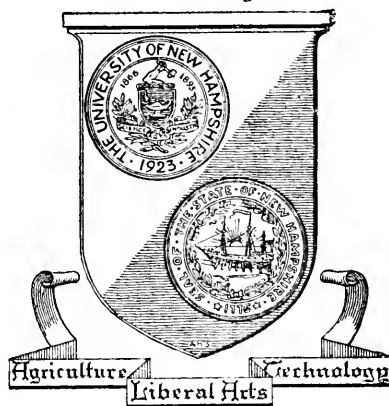


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JOURNAL
OF THE
HONORABLE SENATE
JANUARY SESSION OF 1949

PRINTED BY
GRANITE STATE PRESS, INC.
MANCHESTER, N. H.



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WEDNESDAY, JANUARY 5, 1949

At eleven o'clock in the forenoon of the first Wednesday in January in the year of Our Lord, One Thousand Nine Hundred and Forty-Nine, being the day prescribed by the Constitution for the Legislature of New Hampshire to assemble, the following named persons elected Senators assembled in the Capitol in the City of Concord in said State, and His Excellency the Honorable Charles M. Dale, Governor, having come into the Senate Chamber, took and subscribed the oaths of office, and were duly qualified as Senators agreeably to the provisions of the Constitution, namely:

- | | | |
|-----------|-----|------------------------|
| Dist. No. | 1. | Fred G. Hayes, Jr. |
| | 2. | Curtis C. Cummings |
| | 3. | Norman A. McMeekin |
| | 4. | Guy W. Nickerson |
| | 5. | John W. Dole |
| | 6. | George W. Tarlson |
| | 7. | Eugene S. Daniell, Jr. |
| | 8. | J. Laban Ainsworth |
| | 9. | Shirley Brunel |
| | 10. | Harold O. Pierce |
| | 11. | Perkins Bass |
| | 12. | Erwin E. Cummings |
| | 13. | Aldege A. Noel |
| | 14. | Ralph M. Wiggin |
| | 15. | Sara E. Otis |
| | 16. | Robert P. Bingham |
| | 17. | Marye Walsh Caron |
| | 18. | Thomas B. O'Malley |

19. Raoul J. Lalumiere
21. Charles Frederick Hartnett
22. Augustus F. Butman
23. Doris M. Spollett
24. Arthur J. Reinhart

His Excellency, the Governor, withdrawing, the Senate was called to order by Benjamin F. Greer, Clerk of the 1949 Session of the Senate.

The Clerk stated that the first business was the election of a temporary presiding officer.

On motion of Senator Bass, seconded by Senator O'Malley, Senator Cummings was chosen temporary presiding officer.

The Clerk requested Senators O'Malley and Pierce to conduct the temporary presiding officer to the Chair.

The Senate proceeded to the choice of a President by ballot with the following result:

Whole number of votes cast	23
Necessary for choice	12
Honorable Thomas B. O'Malley had	6
Honorable Perkins Bass had	17

and the Honorable Perkins Bass having received a majority of all the votes cast was declared elected.

On motion of Senator O'Malley the election of Senator Bass was made unanimous.

The Chair requested Senators Pierce and Reinhart to escort the President to the Chair.

The President having assumed the Chair thanked the Senators for the honor conferred upon him.

On motion of Senator Noel the Assistant Clerk cast one ballot for Benjamin F. Greer as Clerk.

Upon motion of Senator Cummings the Clerk cast one ballot for Frank M. Ayer as Assistant Clerk.

On motion of Senator Brunel the Clerk cast one ballot for John S. Ball as Sergeant-at-Arms.

On motion of Senator Butman the Clerk cast one ballot for Rene H. Dufort as Messenger.

On motion of Senator Butman the Clerk cast one ballot for Frank D. Gay as Doorkeeper.

Thereupon Benjamin F. Greer, Frank M. Ayer, John S. Ball, Rene H. Dufort, Frank D. Gay appeared, signified their acceptance of the office to which they were elected respectively, and were duly sworn to the faithful discharge of their duties before the President.

A true record:

BENJAMIN F. GREER,
Clerk for 1947-1948.

A true copy attest:

BENJAMIN F. GREER,
Clerk for 1947-1948.

On motion of Senator Hayes the following resolution was adopted:

Resolved, That the Secretary of State be requested to furnish the Senate the official returns of votes from the various Senatorial Districts of the State.

On motion of Senator Cummings the following resolution was adopted:

Resolved, That the return of votes in the several Senatorial Districts be referred to a select committee of three, with instructions to examine and count the same, and report to the Senate whether any vacancies exist, and if so, in what Senatorial Districts.

The President appointed as members of such committee Senators Tarlson, O'Malley and Reinhart.

On motion of Senator Noel the following resolution was adopted:

Resolved, That the Clerk be instructed to procure the services of two stenographers, one as an assistant for the clerks of the Senate, and one for such duties as may be assigned to her.

Pursuant to the foregoing resolution, the Clerk appointed Mrs. Bessie Callaghan of Manchester and Mrs. Grace White of Lebanon.

On motion of Senator Pierce the following resolution was adopted:

Resolved, That until otherwise ordered, the Senate will meet at 11:00 o'clock in the forenoon, and at 2:00 o'clock in the afternoon.

On motion of Senator Daniell the following resolution was adopted:

Resolved, That the President be authorized to appoint an Assistant Messenger and a Telephone Messenger for the ensuing year.

Pursuant to the foregoing resolution the Clerk appointed Earl J. Pollard as Assistant Messenger and Eugene Williams as Telephone Messenger.

On motion of Senator Tarlson the following resolution was adopted:

Resolved, That the Clerk of the Senate be authorized to furnish, at the expense of the state, during the session of 1949, two such daily newspapers, printed within the state, to the members and officers of the Senate as such members and officers may select, and to the Governor and Council.

On motion of Senator O'Malley the following resolution was adopted:

Resolved, That the House of Representatives be informed that the Senate having assembled, has organized by the choice of Perkins Bass as President, Benjamin F. Greer as Clerk, Frank M. Ayer as Assistant Clerk, John S. Ball as Sergeant-at-Arms, Rene H. Dufort as Messenger, and Frank D. Gay as Doorkeeper, and is now ready to proceed with the business of the session.

On motion of Senator Noel the following resolution was unanimously adopted by a rising vote:

Whereas, This Senate has learned with regret of the death of Mrs. Effie Burbank, wife of Senator Thomas H. Burbank of Rochester, therefore

Be It Resolved, That the President appoint a committee to submit suitable resolutions of sympathy, and that the Clerk be instructed to send a copy of said resolutions to the family.

Pursuant to the foregoing resolution the President appointed as members of such committee, Senators Noel, Otis, and Butman.

House Message

The following message was received from the House of Representatives by its Clerk:

Mr. President:

The House of Representatives has adopted the following resolution:

Resolved, That the Honorable Senate be informed that the House of Representatives has organized by the choice of Richard F. Upton, Speaker; Cyril J. Fretwell, Clerk, Robert L. Stark, Assistant Clerk; Clarence A. DuBois, Sergeant-at-Arms and Sherman Greer of Manchester, Lenne Twombly of Hill, Mabel Richardson of Randolph and Florence Danforth of Manchester as Doorkeepers and is now ready to proceed with the business of the session.

The message further stated that the House of Representatives has adopted the following resolution:

Resolved, That the House of Representatives will be ready to meet the Honorable Senate at 11:30 o'clock today for the purpose of receiving His Excellency, the Governor, and any communication he may be pleased to make.

The message further stated that the House of Representatives has adopted the following resolution and asks the concurrence of the Honorable Senate:

Resolved, That a committee of five be appointed by the Speaker to wait upon His Excellency, the Governor, and inform him that a quorum of each branch of the Legislature has assembled and is ready to receive any communication he may be pleased to make.

The Speaker named as members of such committee on the part of the House, Messrs. Ashley of Lebanon, Spaulding of Hudson, and Edson of Lebanon and Mesdames Brungot of Berlin and Lazure of Berlin.

On motion of Senator Pierce the resolution was adopted, and the President appointed as members of such committee on

the part of the Senate, Senators Ainsworth, McMeekin and O'Malley.

The message further stated that the House of Representatives has adopted the following resolution :

Resolved, That the Honorable Senate be informed that the House of Representatives will be ready to meet the Senate in Joint Convention for the purpose of canvassing the votes for Governor and Councilors agreeably to the Constitution and for the election of a Secretary of State, State Treasurer and Commissary General at two o'clock this afternoon.

The President invited former Senators Charles H. Barnard and Earl S. Hewitt to the rostrum to explain to the membership of the Senate the proposed changes and suggestions by the Interim Commission on Legislative procedure.

The President declared a recess to allow the Senate to meet with the House in joint convention to receive His Excellency, the Governor.

(See House proceedings)

On return to the Senate chamber the Senate was called to order.

On motion of Senator Caron the following resolution was adopted :

Resolved, That all bills and joint resolutions, reported by the committees, with the exception of new bills originating in the committee, shall be handed to the Clerk, who shall cause a list of said bills and joint resolutions to be published in the appendix to the daily journal, together with a report of the committee, previous to their presentation to the Senate.

On motion of Senator Otis the following resolution was adopted :

Resolved, That the House of Representatives be informed that the Senate will be ready to meet the House in Joint Convention for the purpose of canvassing the votes for Governor and Councilors agreeably to the provisions in the Constitution, at two o'clock this afternoon, and for the election of a Secretary of State, State Treasurer, and Commissary General.

Senator Dole offered the following resolution and moved its adoption :

Resolved, That the rules of the previous session of the Senate be the rules of this session with the following exceptions:

Amend Rule 9 by striking out the same and inserting in place thereof the following:

9. When any question is under debate, no motion shall be received but first, to adjourn; second, to lay on the table; third, for the previous question; fourth, to postpone indefinitely; fifth, to postpone to a certain day; sixth, to commit; seventh, to amend; which several motions shall have precedence in the order in which they are arranged. No motion to postpone indefinitely, to postpone to a certain day, or to commit, being decided, shall be in order at the same stage of the bill or proposition, until after an adjournment. Motions to postpone to a certain day shall be debatable both as to time and subject matter.

On a *viva voce* vote the Senate voted to adopt the above amendment.

Further amend Rule 12 by striking out the same and inserting in place thereof the following:

12. When the yeas and nays are required, each member shall declare his assent or dissent to the question, unless for special reasons he be excused by the Senate. A member who is to be absent when the yeas and nays are required may pair his vote with another member, to be present or also to be absent, who intends to vote on the opposite side of the question. Pairs shall be permitted only if the yeas and nays are taken on such question. Both members shall file such pair in writing with the Clerk before the question is put. In all cases of pairing, the vote of neither member shall be counted in determining the result of the roll call; but the Clerk shall announce all pairs and enter them in the Journal.

On a *viva voce* vote the Senate voted to adopt the above amendment.

Further amend Rule 19 by striking out the same and inserting in place thereof the following:

19. A hearing shall be held upon each bill and resolution referred to a committee, and notice of such hearing shall be advertised at least two days in the Journal of the Senate. When requested by the Speaker of the House, the President

may authorize and direct the appropriate Senate committee or committees to sit with the appropriate House committee or committees at a public hearing of any House bill and no further public hearing on such bill shall be required when such bill is subsequently received in the Senate from the House.

On a *viva voce* vote the Senate voted to adopt the above amendment.

Further amend Rule 25 by striking out the same and inserting in place thereof the following:

25. The following standing committees, to consist of five members each, unless otherwise stated, shall be appointed at the commencement of any session:

- a Committee on Agriculture;
- a Committee on Banks and Insurance;
- a Committee on Education;
- a Committee on Elections, to consist of three members;
- a Committee on Finance;
- a Committee on Fisheries and Game and Forestry;
- a Committee on Interstate Cooperation;
- a Committee on Judiciary;
- a Committee on Labor;
- a Committee on Liquor Laws;
- a Committee on Military and Veterans' Affairs;
- a Committee on Public Health;
- a Committee on Public Welfare and State Institutions;
- a Committee on Public Works;
- a Committee on Transportation;
- a Committee on Ways and Means;
- a Committee on Rules, to consist of three members, one of whom shall be the President.

Senator McMeekin offered the following amendment:

Amend Rule 25 by striking out the Committee on Elections and substituting therefor Committee on Revision of Laws.

(Discussion ensued)

Senator McMeekin withdrew his amendment and on a *viva voce* vote the Senate voted to adopt the above amendment.

Further amend the second paragraph of Rule 35 by striking out the same and inserting in place thereof the following:

Every bill and joint resolution appropriating state money, which has been favorably reported by another committee, shall be recommitted to the Committee on Finance for revision. If any such bills or joint resolutions have been referred jointly to the Committee on Finance and another standing committee, the Committee on Finance may report separately and no further public hearing shall be required by the Committee on Finance.

On a *viva voce* vote the Senate voted to adopt the above amendment.

On motion of Senator Dole the following resolution was adopted:

Resolved, That the Joint Rules of the previous session of the Senate and House of Representatives shall be the Joint Rules of this session with the following exceptions:

Amend the Joint Rules by striking out Rule 6 and inserting in place thereof the following:

6. There shall be a committee for the purpose of engrossing bills consisting of five members of the House of Representatives and three members of the Senate. All bills that have passed both Houses shall be delivered to said committee, be by them engrossed, carefully examined and reported to the respective Houses; and shall be signed by the Speaker of the House of Representatives and then by the President of the Senate.

If the examination of a bill before its engrossment shall disclose any clerical error or formal imperfection, said committee shall report it back to the respective Houses, with such amendments as are required to correct the same; and any measures so reported shall be subject to amendment in those particulars and in no other respect.

Further amend the Joint Rules by striking out Rule 7 thereof.

Amend Joint Rule 13 by striking out the same and inserting in place thereof the following:

13. No bill, joint resolution, claim outstanding on the first day of the session, or petition relating to new business,

shall be received in either branch of the legislature after the third Tuesday of the session, unless reported by the Committee on Rules; provided that this rule may be suspended in either House whenever two-thirds of the whole number of elected members shall, on division taken, vote in favor thereof, and not otherwise. A bill, joint resolution, claim, or petition shall be considered as having been received within the meaning of this rule if it shall have been delivered to the Clerk of the House in which it is introduced on or before five o'clock in the afternoon of the said third Tuesday of the session.

The President declared a recess for the purpose of meeting with the House of Representatives, in joint convention, for the purpose of electing a Secretary of State, State Treasurer and Commissary General.

(see House proceedings)

On return to the Senate chamber the Senate was called to order.

Personal Privilege

Senator Bingham rose to a point of personal privilege and informed the Senate that the remarks attributed to Harry Carlson of Plainfield were not made by him.

On motion of Senator Spollett the rules were so far suspended as to permit all business in order for two o'clock this afternoon to be made in order at the present time.

On motion of Senator Pierce the Senate adjourned.

THURSDAY, JANUARY 6, 1949

The Senate met according to adjournment.

Leave of Absence

Senator Burbank was granted a leave of absence on account of death in the family.

Resolutions

On motion of Senator Reinhart the following resolution was adopted:

Resolved, That the Senate will be ready to meet the House of Representatives, in joint convention, as suggested by the House message at 11:50 o'clock, for the purpose of receiving His Excellency, the Governor, and any communication that he may be pleased to make, and for the transaction of any other business that may properly come before such convention.

On motion of Senator O'Malley the following resolution was adopted:

Resolved, That the President be authorized to appoint a committee of three to procure and assign suitable rooms for the various committees of the Senate and an office for the President.

House Message

The following message was received from the House of Representatives, by its Clerk:

Mr. President:

The House of Representatives has adopted the following resolution:

Resolved, That the Honorable Senate be notified that the House of Representatives will be ready to meet the Senate in joint convention at 11:50 o'clock for the purpose of receiving His Excellency, the Governor, and any communication he may be pleased to make, and for the transaction of such other business as may properly come before such convention.

The Honorable Enoch D. Fuller, Secretary of State, appeared and presented the return of votes for Senators from the various Senatorial Districts, as returned to the Secretary's Office.

Committee Report

The select committee, to whom was referred the various returns of votes for senators from the several districts, having attended to their duties and having examined the returns made to the Secretary of State and the records in the office of said secretary, report that they find the state of the vote returned from the several districts as follows:

First District

Fred G. Hayes, Jr., Berlin, d	4,640
Carl E. Morin, Berlin, r	4,449

Plurality for Hayes	191
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Second District

Curtis C. Cummings, Colebrook, r and d	5,898
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Third District

Norman A. McMeekin, Haverhill, r and d	7,705
--	-------

Fourth District

Guy W. Nickerson, Madison, r and d	7,497
--	-------

Fifth District

John W. Dole, Bristol, r	6,525
Rose S. Putnam, Lebanon, d	3,369

Plurality for Dole	3,156
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Sixth District

George W. Tarlson, Laconia, r and d	9,361
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Seventh District

Eugene S. Daniell, Jr., Franklin, r	4,914
---	-------

Eighth District

J. Laban Ainsworth, Claremont, r	5,803
John S. Ball, Claremont, d	4,471

Plurality for Ainsworth	1,332
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Ninth District

Shirley Brunel, Concord, r	5,574
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Tenth District

Harold O. Pierce, Walpole, r	5,348
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Eleventh District

Perkins Bass, Peterborough, r	4,762
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Twelfth District

Erwin E. Cummings, Lyndeborough, r	6,437
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Thirteenth District

Aldege A. Noel, Nashua, d and r	10,165
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Fourteenth District

Ralph M. Wiggin, Bedford, r	5,502
George R. Lea, Pembroke, d	4,227
<hr/>	
Plurality for Wiggin	1,275

Fifteenth District

Sara E. Otis, Concord, r	4,159
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Sixteenth District

Robert P. Bingham, Manchester, d	3,812
J. Walker Wiggin, Manchester, r	3,526
<hr/>	
Plurality for Bingham	286

Seventeenth District

Marye Walsh Caron, Manchester, d	4,495
Norman A. Packard, Manchester, r ...	3,382
<hr/>	
Plurality for Caron	1,113

Eighteenth District

Thomas B. O'Malley, Manchester, d	9,321
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Nineteenth District

Raoul J. Lalumiere, Manchester, d	3,870
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Twentieth District

Thomas H. Burbank, Rochester, d	6,083
C. Wesley Lyons, Rochester, r	5,613
<hr/>	
Plurality for Burbank	470

Twenty-First District

Charles Frederick Hartnett, Dover, r . .	4,955
Gilman H. Twombly, Madbury, d	4,218

Plurality for Hartnett	737
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Twenty-Second District

Augustus F. Butman, Derry, r	7,928
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Twenty-Third District

Doris M. Spollett, Hampstead, r	7,156
Herbert L. Eastman, Kensington, d . . .	2,722

Plurality for Spollett	4,434
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Twenty-Fourth District

Arthur J. Reinhart, Portsmouth, r . . .	5,952
John P. Loughlin, Portsmouth, d	4,986

Plurality for Reinhart	966
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Pursuant to the resolution relating to the Committee on Rooms, the President appointed as members of such committee Senators Bingham, Brunel, and Wiggin.

The President declared a recess for the purpose of meeting in joint convention with the House of Representatives.

(See House proceedings)

Recess

The Senate re-assembled.

On motion of Senator Cummings the following resolution was adopted:

Resolved, That the rules be suspended and all business in order for this afternoon at two o'clock be made in order at the present time.

On motion of Senator Noel the following resolution was adopted:

Resolved, That when the Senate adjourns this morning it be to meet Tuesday morning at eleven o'clock.

Personal Privilege

Senator Noel rose to a point of personal privilege and informed the Honorable Senate that the above resolution was being offered for the first time on the Senate floor due to a constitutional amendment ratified by public vote.

On motion of Senator Noel the Senate adjourned.

TUESDAY, JANUARY 11, 1949

The Senate met according to adjournment.

Leave of Absence

Senator Tarlson was granted a leave of absence on account of important business.

Communication

The following communication was read by the Clerk:

To the President of the Honorable Senate:

I wish to resign as telephone messenger for the Senate as I already hold the position of messenger for the Appropriations Committee of the House of Representatives, and desire to continue in that position.

Very truly yours,

EUGENE WILLIAMS.

The resignation of Eugene Williams was accepted, and the President appointed as telephone messenger, Russell Bickford of Northwood.

Resolution

On motion of Senator Wiggin the following resolution was unanimously adopted by a rising vote:

Whereas, the Senate has learned with great sorrow of the death of former Senator and present member of the House of Representatives, Frank H. Peaslee of Weare, therefore be it

Resolved, That a committee of three be appointed to submit suitable resolutions.

The President appointed as members of such committee, Senators Wiggin, Erwin Cummings, and Caron.

Personal Privilege

Senator Daniell rose to a point of personal privilege and informed the Senate that he had recently been attacked in the *Sunday News*. He stated he had accepted an invitation to debate with William Loeb of the Union-Leader Corporation over the Granite State Network and hoped Mr. Loeb would also accept. He further stated Mr. Loeb had denied him the use of his paper for proof of charges that it was controlled, for which he had conclusive evidence, or to rebut the recent *Sunday News* attack.

Senator Burbank rose to a point of personal privilege and thanked the membership of the Senate for the sympathy extended to him in his recent bereavement.

On motion of Senator Spollett the following resolution was adopted.

Resolved, That the rules be so far suspended as to permit all business in order for this afternoon at two o'clock to be made in order at the present time.

On motion of Senator Butman the Senate adjourned.

WEDNESDAY, JANUARY 12, 1949

The Senate met according to adjournment.

Leave of Absence

Senator Bingham was granted a leave of absence on account of important business.

Resolution

On motion of Senator Pierce the following amendment was adopted:

Further amend Rule No. 25 by striking out the same and inserting in place thereof the following:

25. The following standing committees, to consist of five members each, unless otherwise stated, shall be appointed at the commencement of any session:

- a Committee on Agriculture;
- a Committee on Banks and Insurance;
- a Committee on Education;
- a Committee on Elections, to consist of three members;
- a Committee on Finance, to consist of seven members;
- a Committee on Fisheries and Game and Forestry;
- a Committee on Interstate Co-operation;
- a Committee on Judiciary, to consist of seven members;
- a Committee on Labor;
- a Committee on Liquor Laws;
- a Committee on Military and Veterans' Affairs;
- a Committee on Public Health;
- a Committee on Public Welfare and State Institutions;
- a Committee on Public Works;
- a Committee on Transportation;
- a Committee on Ways and Means, to consist of seven members;
- a Committee on Rules, to consist of three members, one of whom shall be the President.

The President announced members of the Standing Committees of the Senate for 1949 and Joint Standing Committees as follows:

Standing Committees of the Senate — 1949

Agriculture—Spollett, Wiggin, Ainsworth, Nickerson, Brunel.

Banks—Tarlson, Pierce, Hartnett, Ainsworth, Noel.

Education—Otis, Daniell, C. Cummings, McMeekin, Burbank.

Elections—Butman, E. Cummings, Lalumiere.

Engrossed Bills—Otis, Noel.

Finance—C. Cummings, Pierce, Nickerson, Dole, Noel, O'Malley, Burbank.

Fisheries and Game and Forestry—Ainsworth, Nickerson, C. Cummings, Wiggin, Hayes.

Interstate Co-operation—The President, Otis, Spollett, O'Malley, Burbank.

Judiciary—Reinhart, Otis, Tarlson, Daniell, Hartnett, O'Malley, Bingham.

Labor—Dole, McMeekin, Tarlson, Bingham, Burbank.

Liquor Laws—Pierce, E. Cummings, Butman, Caron, Hayes.

Military and Veterans' Affairs—Daniell, McMeekin, Butman, Lalumiere, Caron.

Public Health—Hartnett, Brunel, Reinhart, Caron, Bingham.

Public Welfare and State Institutions—Brunel, Reinhart, Hartnett, Daniell, Lalumiere.

Public Works—E. Cummings, Nickerson, Spollett, Ainsworth, Hayes.

Transportation—Wiggin, E. Cummings, Butman, Spollett, Lalumiere.

Ways and Means—McMeekin, Pierce, Dole, Wiggin, Brunel, Caron, Noel.

Rules—President, Reinhart, O'Malley.

Introduction of Bills

Senator Otis introduced the following entitled bill, which was read a first and second time, laid on the table to be printed and referred to the Committee on Judiciary:

Senate Bill No. 1, An act establishing a state song.

Senator Hayes introduced the following entitled bill, which was read a first and second time, laid on the table to be printed and referred to the Committee on Banks and Insurance.

Senate Bill No. 2, An act relative to Credit Unions.

Senator McMeekin introduced the following entitled bill, which was read a first and second time, laid on the table to be printed and referred to the Committee on Judiciary:

Senate Bill No. 3, An act relating to commitment to veterans' administration.

Senator McMeekin introduced the following entitled bill, which was read a first and second time, laid on the table to be printed and referred to the Committee on Military and Veterans' Affairs:

Senate Bill No. 4, An act relating to copies of public records required by veterans' administration.

Senator McMeekin introduced the following entitled bill, which was read a first and second time, laid on the table to be printed and referred to the Committee on Judiciary:

Senate Bill No. 5, An act relating to investments by guardians of beneficiaries of the veterans' administration.

Personal Privilege

Senator Daniell rose to a point of personal privilege, and withdrew his request that his communication to the Granite State Network be printed in the Journal, and also requested that his remarks be deleted from the permanent record.

On a *viva voce* vote, his request was granted.

On motion of Senator Spollett the following resolution was adopted:

Resolved, That the rules be so far suspended as to permit all business in order for this afternoon at two o'clock to be made in order at the present time.

On motion of Senator Butman the Senate adjourned.

THURSDAY, JANUARY 13, 1949

The Senate met according to adjournment.

Leave of Absence

Senator Hartnett was granted a leave of absence on account of important business.

Committee Report

Senator Bingham, for the committee to whom was referred the assignment of rooms by the President for the standing committees of the Senate, reported the following resolution:

Resolved, That the assignment of rooms for the several committees of the Senate be as follows:

Agriculture—Room 120, Department of Agriculture, State House.

Banks and Insurance—Room 113, Insurance Department, Annex.

Education—Room 410, Department of Education, Annex.

Elections—Senate Gallery.

Finance—Room 105, State Treasurer, State House.

Fisheries and Game and Forestry—Room 305, Annex.

Judiciary—Room 310, Attorney General, State House.

Labor—Room 115, Labor Commission, State House.

Liquor Laws—Patriot Building, Liquor Commission.

Military and Veterans' Affairs—American Legion Office, Annex.

Public Health—Room 107, Board of Health, State House.

Public Welfare and State Institutions — Room 310, Attorney General, State House.

Public Works—Room 311, Highway Department, Annex.

Transportation—Room 305, Annex.

Ways and Means—Room 212, Tax Commission, State House.

Rules—Room 124, President's Office.

Interstate Co-Operation—Room 124, President's Office.

On motion of Senator Wiggin the following resolution was unanimously adopted by a rising vote:

Whereas, The Senate has learned with deep sorrow of the death of Frank H. Peaslee, former State Senator, and present Representative from Weare, therefore

Be It Resolved, That the members extend their heartfelt sympathy to the bereaved family, and

Be It Further Resolved, That the Clerk transmit to the family a copy of these resolutions.

RALPH M. WIGGIN
ERWIN E. CUMMINGS
MARYE W. CARON

Announcement

The President announced that in accordance with Rule No. 19, recently amended by the Senate, the Committee on Education is authorized to sit with the House Committee on Education in public hearing on House Bill No. 29, entitled, An

act establishing a Teachers' Retirement System, in Room 305, Tuesday, January 25, at 2:00 o'clock.

House Message

The following message was received from the House of Representatives, by its Clerk:

Mr. President:

The House of Representatives has passed the following entitled bill, in the passage of which it asks the concurrence of the Honorable Senate:

House Bill No. 89, An act providing temporary open season for taking pickerel.

Read and Referred

The following entitled bill, sent up from the House of Representatives, was read a first and second time, laid upon the table to be printed, and referred to the Committee on Fisheries and Game:

House Bill No. 89, An act providing temporary open season for taking pickerel.

Senator Ainsworth moved that the rules be so far suspended as to disperse with the printing and reference to committee, and that the bill be in order for third reading and final passage at the present time.

On a *viva voce* vote the affirmative prevailed, and the above entitled bill was read a third time and passed.

Senator Bingham moved that without further delay the Senate and House of Representatives should meet in joint convention for the purpose of electing a state treasurer.

President Bass ruled that under Joint Rule No. 1 the above motion was out of order.

Senator Bingham then offered the following resolution and moved its adoption:

Resolved, That it is the sense of the Senate that a message be directed to the House of Representatives requesting that the House invite the Senate to meet in joint convntion to proceed with the election of a state treasurer.

Senator Bingham rose and addressed the Senate stating his reason for offering the above resolution.

Senator McMeekin moved that the above resolution be laid upon the table.

On a *viva voce* vote the affirmative prevailed.

Senator Bingham demanded a roll call.

The question being stated, Shall the resolution be laid upon the table?

The Clerk proceeded to call the roll.

Roll Call

The following named senators voted in the affirmative:

Senators C. Cummings, McMeekin, Nickerson, Dole, Tarlson, Ainsworth, Brunel, Pierce, E. Cummings, Noel, Wiggin, Otis, Butman, Spollett, Reinhart.

The following named senators voted in the negative:

Senators Hayes, Daniell, Jr., Bingham, Caron, O'Malley, Lalumiere, Burbank.

Fifteen senators having voted in the affirmative, and seven senators having voted in the negative, the affirmative prevailed and the resolution was laid upon the table.

On motion of Senator Spollett the following resolution was adopted:

Resolved, That the rules be so far suspended as to permit all business in order for 2:00 o'clock this afternoon to be made in order at the present time.

On motion of Senator Pierce the following resolution was adopted:

Resolved, That when the Senate adjourns today it be to meet Tuesday morning at 11:00 o'clock.

On motion of Senator Butman the Senate adjourned.

TUESDAY, JANUARY 18, 1949

The Senate met according to adjournment.

Leaves of Absence

Senator Dole was granted a leave of absence on account of illness.

Senator Caron was granted a leave of absence for the week to attend the Inaugural.

House Message

The following message was received from the House of Representatives by its Clerk:

Mr. President:

The House of Representatives has voted to adopt the following concurrent resolution in the adoption of which it asks the concurrence of the Honorable Senate:

Resolved, That the House of Representatives will be ready to meet the Honorable Senate at 11:00 o'clock today for the purpose of receiving His Excellency, the Governor, and any communication he may be pleased to make.

On motion of Senator Pierce the following resolution was adopted:

Resolved, That the Senate will be ready to meet the House of Representatives in joint convention, as suggested by the House message, at 11:00 o'clock, for the purpose of receiving His Excellency, the Governor, and any communication he may be pleased to make.

Introduction of Bills

Senator Otis introduced the following entitled bill, which was read a first and second time, laid on the table to be printed, and referred to the Committee on Public Welfare and State Institutions.

Senate Bill No. 6, An act to protect the owners of property damaged by inmates of the Laconia State School and Industrial School.

Senator Bingham introduced the following entitled bill,

which was read a first and second time, laid on the table to be printed, and referred to the Committee on Public Health.

Senate Bill No. 7, An act relative to the practice of physiotherapy.

Committee Reports

Senator Noel offered the following resolution :

Whereas, The Senate has learned with sorrow of the death of Mrs. Effie Burbank, wife of our fellow Senator, Thomas H. Burbank of Rochester, therefore be it

Resolved, That we extend our heartfelt sympathy to the bereaved family, and be it further

Resolved, That the Clerk of the Senate transmit to them a copy of these resolutions.

SARA E. OTIS
AUGUSTUS F. BUTMAN
ALDEGE A. NOEL

Committee on Resolutions

The above resolution was unanimously adopted by a rising vote.

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled bill:

House Bill No. 89, An act providing temporary open season for taking pickerel.

ALDEGE NOEL,
For the Committee.

Communication

The following communication was read by the Clerk :

Hon. Perkins Bass, President
New Hampshire State Senate
State House, Concord, N. H.

DEAR MR. BASS :

Pursuant to Chapter 326, Laws of 1947, the undersigned members of an Interim Commission established to study and recommend a co-ordinated program for the more adequate handling of New Hampshire's delinquent children and youthful offenders has today submitted to Speaker Richard F. Upton

of the House of Representatives for presentation to the General Court, its report and recommendations. Copies of this Report will be made available to the membership of the Senate.

Respectfully submitted,

RAE S. LARABA, *Chairman*
ANN F. HARDY, *Clerk*
THOMAS L. MARBLE
ALFRED J. CHRETIEN
LEONARD C. HARDWICK

On motion of Senator Spollett the following resolution was adopted:

Resolved, That the rules be so far suspended as to permit all business in order for 2 o'clock this afternoon to be made in order at the present time.

On motion of Senator Ainsworth the Senate adjourned.

WEDNESDAY, JANUARY 19, 1949

The Senate met according to adjournment.

Senator Pierce in the Chair.

Leave of Absence

Senator Dole was granted a leave of absence for the balance of the week on account of illness.

House Message

The following message was received from the House of Representatives by its Clerk:

Mr. President:

The House of Representatives has passed the following entitled bills, in the passage of which it asks the concurrence of the Honorable Senate:

House Bill No. 2, An act relative to compensation of jurors for expenses.

House Bill No. 6, An act repealing provisions as to the election of assessors in towns.

House Bill No. 13, An act relative to exemption from jury service.

House Bill No. 41, An act relating to the examination of saw mills by the state forester or his authorized agents.

The message further stated that the House of Representatives has voted to adopt the following concurrent resolution in the adoption of which it asks the concurrence of the Honorable Senate:

Concurrent resolution to provide for a legislative study, investigation and report of the award and administration of state construction contracts with the Standard Construction Company and others.

Resolved by the House of Representatives, the Senate concurring:

1. *Investigation.* There is hereby established a bipartisan joint committee consisting of seven members of the House of Representatives, and three members of the Senate. The joint committee is authorized and directed, acting as a whole or by subcommittee, (a) to investigate all phases of the award and administration of state construction contracts with the Standard Construction Company and all affiliated and associated companies or persons, contractors and subcontractors; (b) to investigate the conduct of all present and past state officers and employees in connection with the award and administration of said contracts and the expenditure of funds therefor; (c) to review the steps already taken by the executive departments of the state in the investigation of the above-mentioned affairs and to determine the probable cost of completing such investigation and all necessary litigation arising out of the same; (d) to investigate such other matters of a similar or related nature in any state department as may be brought to the attention of the joint committee; (e) and to report its findings, conclusions and recommendations for remedial legislation or other suitable legislative action to both branches as soon as reasonably possible during the present session. The joint committee may submit interim reports from time to time. A majority of the whole joint committee or of any authorized subcommittee shall be a quorum thereof, and oaths may be administered as provided in Section 14, Chapter 9, Revised Laws, whether a quorum is present or not. A vacancy in the committee shall not affect the powers of the remaining members of the committee.

2. *Appointment.* The Speaker of the House of Representatives, with the advice and consent of the House Committee on Rules, shall appoint four members of the majority party and three members of the minority party, and the President of the Senate, with the advice and consent of the Senate Committee on Rules, shall appoint two members of the majority party and one member of the minority party to said committee. The chairman and vice chairman of the joint committee shall be appointed jointly by the President of the Senate and the Speaker of the House, and the Clerk of the joint committee shall be chosen by the committee. Vacancies shall be filled in the same manner as the original appointments.

3. *Powers.* The joint committee shall have the power to issue subpoenas to compel the attendance of persons for testimony and the production of documents, books and papers before it. All subpoenas shall be issued under the hands of the President of the Senate and the Speaker of the House and attested by the Clerk of the joint committee and shall be served by the Sergeant-at-Arms of the House or the Senate or any other person authorized by the committee. The committee may employ counsel and technical, stenographic and other assistants subject to the joint approval of the President and the Speaker. The committee may hold sessions during adjournments of the General Court. The committee shall have the power to take testimony by deposition under such rules and regulations as it may adopt. The committee shall have the power to utilize the services, information, facilities and personnel of all departments and agencies of the state and may require the compilation and information or the attendance of any state officer or employee at its hearings to present information and recommendations.

4. *Expenditures.* The expenditures of the joint committee shall be a charge upon the legislative appropriation, subject to the joint supervision of the President and the Speaker. Members of the committee shall be allowed their necessary expenses if required to travel outside Concord on committee business. The committee is enjoined to conduct its investigation in the most economical manner possible, consistent with determination of the relevant facts, due consideration being given and proper use being made of all available data already compiled and assembled by other state officers, agents and employees.

5. *Procedure.* All testimony taken by the committee shall be under oath. The constitutional privilege against self-incrimination shall apply to testimony before the committee. All witnesses called before the committee shall have the right to counsel to advise them and shall be informed of such right before examination commences. Hearings may be public or private as the committee may determine. No person shall examine or cross-examine any witness other than members of the committee, its staff, and counsel for the witness, except by leave of the committee. The committee shall hear all pertinent evidence that may be offered including such voluntary witnesses as may appear. Subject to the supervision of the committee, any person against whom derogatory testimony or other evidence has been submitted may himself or by counsel cross-examine the witness submitting such evidence or may call other witnesses or produce documentary evidence before the committee to refute or explain such testimony or other evidence, and for this purpose the committee shall allow him the right of subpoena, if necessary. The committee shall keep a verbatim record of its proceedings, which record need not be transcribed except as the committee may direct.

6. *Expiration.* The joint committee and its powers shall expire upon the submission of its final report and, in any event, upon the prorogation of the General Court, but may be extended by concurrent resolution.

On motion of Senator Reinhart the Senate concurred in the above concurrent resolution.

Read and Referred

The following entitled bills, sent up from the House of Representatives, were read a first and second time and referred:

To the Committee on Judiciary:

House Bill No. 2, An act relative to compensation of jurors for expenses.

House Bill No. 6, An act repealing provisions as to the election of assessors in towns.

House Bill No. 13, An act relative to exemption from jury service.

To the Committee on Fisheries and Game and Forestry:
House Bill No. 41, An act relating to the examination of saw mills by the state forester or his authorized agents.

On motion of Senator C. Cummings the following resolution was adopted:

Resolved, That the rules be so far suspended as to permit all business in order for 2 o'clock this afternoon to be made in order at the present time.

On motion of Senator Hayes the Senate adjourned.

THURSDAY, JANUARY 20, 1949

The Senate met according to adjournment.

Senator Hartnett in the Chair.

Leaves of Absence

Senator E. Cummings and Reinhart were granted leaves of absence on account of important business.

House Message

The following message was received from the House of Representatives by its Clerk:

Mr. President:

The House of Representatives has passed the following entitled bills, in the passage of which it asks the concurrence of the Honorable Senate:

House Bill No. 4, An act providing for notice to mortgagee by the tax collector.

House Bill No. 15, An act legalizing the November election of 1948 in the town of Conway.

House Bill No. 46, An act relating to smoking on public carriers where no smoking signs are displayed.

Read and Referred

The following entitled bills sent up from the House of Representatives were read a first and second time and referred:

To the Committee on Judiciary:

House Bill No. 4, An act providing for notice to mortgagee by the tax collector.

House Bill No. 15, An act legalizing the November election of 1948 in the town of Conway.

To the Committee on Transportation:

House Bill No. 46, An act relating to smoking on public carriers where no smoking signs are displayed.

Introduction of Joint Resolution

Senator McMeekin introduced the following Senate Joint Resolution, which was read a first and second time, laid on the table to be printed, and referred to the Committee on Public Works:

Senate Joint Resolution No. 1, Joint Resolution respecting the height of Wilder Dam.

On motion of Senator Noel the following resolution was adopted:

Resolved, That the rules be so far suspended as to permit all business in order for 2 o'clock this afternoon to be made in order at the present time.

On motion of Senator Tarlson the following resolution was adopted:

Resolved, That when the Senate adjourns today it be to meet Tuesday at 11:00 o'clock.

On motion of Senator C. Cummings, the Senate adjourned.

TUESDAY, JANUARY 25, 1949

The Senate met according to adjournment.

Leave of Absence

Senator Hartnett was granted a leave of absence on account of important business.

House Message

The following message was received from the House of Representatives, by its Clerk:

Mr. President:

The House of Representatives has passed the following

entitled bills, in the passage of which it asks the concurrence of the Honorable Senate:

House Bill No. 5, An act relating to the audit of school district accounts.

House Bill No. 27, An act relative to compensation of the state classification plan and retirement system boards.

House Bill No. 47, An act relating to obtaining transportation by fraud.

Read and Referred

The following entitled bills, sent up from the House of Representatives, were read a first and second time and referred:

To the Committee on Education:

House Bill No. 5, An act relating to the audit of school district accounts.

To the Committee on Judiciary:

House Bill No. 27, An act relative to compensation of the state classification plan and retirement system boards.

To the Committee on Transportation:

House Bill No. 47, An act relating to obtaining transportation by fraud.

Introduction of Bills

Senator Brunel introduced the following entitled bill, which was read a first and second time, laid upon the table to be printed, and referred to the Committee on Education:

Senate Bill No. 8, An act in amendment of the laws relative to the Union School District in Concord.

Senator Noel introduced the following entitled bill, which was read a first and second time, laid upon the table to be printed, and referred to the Committee on Judiciary.

Senate Bill No. 9, An act relative to the governor's council.

Announcement

President Bass announced that Senator Bingham be included as the third member of the Committee on Engrossed Bills in accordance with the amended Senate Rules.

President Bass also announced, in conjunction with the Rules Committee, the three members of the investigating committee in the Cote-Story investigation as follows:

Senator McMeekin, to serve as vice-chairman, Senator Hartnett and Senator Bingham.

Resolution

On motion of Senator Spollett the following resolution was adopted:

Resolved, That the rules be so far suspended as to permit all business in order for this afternoon at 2 o'clock to be made in order at the present time.

On motion of Senator Lalumiere the Senate adjourned.

WEDNESDAY, JANUARY 26, 1949

The Senate met according to adjournment.

Leave of Absence

Senator Burbank was granted a leave of absence on account of important business.

House Message

The following message was received from the House of Representatives, by its Clerk:

Mr. President:

The House of Representatives has passed the following entitled bills, in the passage of which it asks the concurrence of the Honorable Senate:

House Bill No. 32, An act relative to prohibiting releasing fish into certain waters.

House Bill No. 34, An act relative to having or carrying loaded guns.

House Bill No. 36, An act relating to registration of foreign corporations.

House Bill No. 55, An act relating to the attendance at county conventions by selectmen of towns not sending representatives.

House Bill No. 59, An act relative to definitions under the fish and game laws.

House Bill No. 112, An act providing for the settlement

of disputes respecting the domicile of decedents for death tax purposes.

The message further stated that, pursuant to a resolution adopted, the Speaker appointed the following members to the investigating committee:

Messrs. Pillsbury of Manchester, Evans of Lancaster, Mrs. Greene of Concord, Messrs. Peever of Salem, Sullivan of Manchester, Ward 6, Pickett of Keene and Edson of Lebanon.

Read and Referred

The following entitled bills, sent up from the House of Representatives, were read a first and second time and referred:

To the Committee on Fisheries and Game, Forestry and Recreation:

House Bill No. 32, An act relative to prohibiting releasing fish into certain waters.

House Bill No. 34, An act relative to having or carrying loaded guns.

House Bill No. 59, An act relative to definitions under the fish and game laws.

To the Committee on Judiciary:

House Bill No. 36, An act relating to registration of foreign corporations.

House Bill No. 55, An act relating to the attendance at county conventions by selectmen of towns not sending representatives.

House Bill No. 112, An act providing for the settlement of disputes respecting the domicile of decedents for death tax purposes.

Introduction of Bills

Senator Pierce, under a suspension of the rules, sixteen senators actually having voted in favor thereof, introduced the following entitled bill, which was read a first and second time, laid upon the table to be printed and referred to the Committee on Liquor Laws.

Senate Bill No. 10, An act relating to prohibited beverage interests.

Senator Hayes, under a suspension of the rules, sixteen

senators actually having voted in favor thereof, introduced the following entitled bill, which was read a first and second time, laid upon the table to be printed and referred to the Committee on Public Works.

Senate Bill No. 11, An act relative to use of town road aid of the Class IV Highway.

Committee Report

Senator Noel, for the Committee on Banks, to whom was referred Senate Bill No. 2, An act relative to credit unions, having considered the same, reported the same without amendment and recommended its passage.

The report was accepted, and the bill was ordered to a third reading this afternoon at two o'clock.

Communication

The Clerk read the following communication:

590 Elm Street,
Manchester, N. H.
January 18, 1949

Hon. Perkins Bass,
President, N. H. Senate,
Concord, New Hampshire

DEAR MR. BASS:

As secretary of the New Hampshire Highway Users' Conference, I have been instructed to submit the enclosed resolutions to you.

Very truly yours,

A. J. STABY,

Secretary.

Resolution on Long Range Highway Planning

January 17, 1949

Whereas, the organizations which go to make up the New Hampshire Highway Users Conference — representing thousands of motor vehicle owners throughout the state — have advocated for several years past the formulation and adoption of a sound long-range highway program; and

Whereas, additional impetus to this plea was recently revealed by Governor Adams to have come from the preliminary

report of the consultants he has retained to make an analysis of the operation of the State Highway Department; (in his inaugural message the Governor reported the engineer-consultants had recommended "a sound long-range construction program should be adopted to raise road standards to an acceptable level") ; and

Whereas, the State Highway Department has prepared a proposed long-range highway program which it is understood will be submitted to the present Legislature for approval, now therefore to be

Resolved, That before final decision is taken as to the scope and cost of such proposed long-range highway program, ample opportunity shall be provided for representatives of highway user organizations to make known their views, and that overall cost of the plan finally agreed upon should not exceed the taxpayers' ability to pay; and

The plan should be state-wide in extent and include all classifications of highways, and establish a schedule of priorities among projects within each classification.

And, Be It Further Resolved, That copies of this resolution be sent to Governor Sherman Adams, the State Highway Commissioner and his assistant, the President of the Senate, the Speaker of the House, the chairman of the appropriate legislative committees, and to the press.

Resolution on Uniform Motor Vehicle Laws

January 17, 1949

Be It Resolved, That the New Hampshire Highway Users Conference, through representatives of its constituent organizations, hereby reaffirms its previous action and earnestly recommends that the State of New Hampshire, through the proper public officials, including legislators, take immediate steps to make its motor vehicle laws and regulations conform as closely as practicable to the Uniform Vehicle Code, and be it further.

Resolved, That copies of this resolution be sent to Governor Sherman Adams, State Motor Vehicle Commissioner Fred N. Clarke, the President of the Senate, the Speaker of the House of Representatives, the chairman of the appropriate legislative committees, and to the press.

Introduction of Guest

President Bass introduced to the members of the Senate, former Senator James Welch of Tamworth.

On motion of Senator Spollett the following resolution was adopted:

Resolved, That the rules be so far suspended as to permit all business in order for this afternoon at 2:00 o'clock to be made in order at the present time.

Third Readings

The following entitled bill was read a third time and passed:

Senate Bill No. 2, An act relative to credit unions.

On motion of Senator Tarlson the Senate adjourned.

THURSDAY, JANUARY 27, 1949

The Senate met according to adjournment.

Leave of Absence

Senator E. Cummings was granted a leave of absence on account of important business.

House Message

The following message was received from the House of Representatives by its Clerk:

Mr. President:

The House of Representatives has passed the following entitled bills and joint resolution in the passage which it asks the concurrence of the Honorable Senate:

House Bill No. 24, An act relative to town appropriations for poison ivy eradication.

House Bill No. 42, An act in relation to expense of the state forester and reforestation plans.

House Bill No. 78, An act relating to the powers of the village precinct of Hanover to install parking meters.

House Bill No. 88, An act relating to the penalty for embezzlement.

House Bill No. 106, An act relating to the reversion to towns of certain rights of way.

House Bill No. 110, An act relating to the discontinuance of certain classes of highways.

House Joint Resolution No. 2, Joint resolution in favor of Massachusetts Mutual Life Insurance Company and New England Mutual Life Insurance Company.

Read and Referred

The following entitled bills and joint resolution, sent up from the House of Representatives, were read a first and second time, and referred:

To the Committee on Agriculture:

House Bill No. 24, An act relative to town appropriations for poison ivy eradication.

To the Committee on Fisheries and Game—Forestry and Recreation:

House Bill No. 42, An act in relation to expense of the state forester and reforestation plans.

To the Committee on Judiciary:

House Bill No. 78, An act relating to the powers of the village precinct of Hanover to install parking meters.

House Bill No. 88, An act relating to the penalty for embezzlement.

To the Committee on Public Works:

House Bill No. 106, An act relating to the reversion to towns of certain rights of way.

House Bill No. 110, An act relating to the discontinuance of certain classes of highways.

To the Committee on Finance:

House Joint Resolution No. 2, Joint resolution in favor of Massachusetts Mutual Life Insurance Company and New England Mutual Life Insurance Company.

Introduction of Bill

Senator Daniell, under a suspension of the rules, sixteen senators actually having voted in favor thereof, introduced

the following entitled bill, which was read a first and second time, laid upon the table to be printed, and referred to the Committee on Judiciary.

Senate Bill No. 12, An act relative to rate of return on investment in electric, telephone and/or telegraph, public utilities.

Committee Report

Senator Caron, for the Committee on Military and Veterans' Affairs, to whom was referred Senate Bill No. 4, An act relating to copies of public records required by veterans' administration, having considered the same, reported the same without amendment and recommended its passage.

The report was accepted and the bill was ordered to a third reading this afternoon at two o'clock.

Announcement

President Bass announced that a letter had been received from Senator Hartnett of District No. 21 tendering his resignation from the Committee on Banks and Insurance and the Committee on Public Welfare and State Institutions on account of his increased duties as a member of the investigation committee.

The resignations were accepted and President Bass appointed Senator Butman of District No. 22 to fill both vacancies on these committee appointments.

On motion of Senator Spollett the following resolution was adopted:

Resolved, That the rules be so far suspended as to permit all business in order for 2:00 o'clock this afternoon to be made in order at the present time.

Third Reading

The following entitled bill was read a third time and passed:

Senate Bill No. 4, An act relating to copies of public records required by veterans' administration.

On motion of Senator Tarlson the following resolution was adopted:

Resolved, That when the Senate adjourns today it be to meet Tuesday morning at 11:00 o'clock.

On motion of Senator Burbank the Senate adjourned.

TUESDAY, FEBRUARY 1, 1949

The Senate met according to adjournment.

House Message

The following message was received from the House of Representatives by its Clerk:

Mr. President:

The House of Representatives has passed the following entitled bills in the passage of which it asks the concurrence of the Honorable Senate:

House Bill No. 49, An act legalizing certain town meeting in the town of Jackson.

House Bill No. 56, An act relating to the powers of trust companies.

House Bill No. 60, An act relative to state fish and game refuges.

House Bill No. 62, An act relative to town appropriations for coasting and skating places.

House Bill No. 63, An act relative to annual report of the bank commissioner.

House Bill No. 71, An act legalizing the biennial election in the town of Hampstead.

House Bill No. 86, An act repealing the provision whereby conservation officers may accept fines in the field.

House Bill No. 96, An act relating to interest on delinquent taxes.

Read and Referred

The following entitled bills, sent up from the House of Representatives, were read a first and second time and referred:

To the Committee on Judiciary:

House Bill No. 49, An act legalizing certain town meetings in the town of Jackson.

House Bill No. 62, An act relative to town appropriations for coasting and skating places.

House Bill No. 71; An act legalizing the biennial election in the town of Hampstead.

House Bill No. 96, An act relating to interest on delinquent taxes.

To the Committee on Banks and Insurance:

House Bill No. 56, An act relating to the powers of trust companies.

House Bill No. 63, An act relative to annual report of the bank commissioner.

To the Committee on Fisheries and Game—Forestry and Recreation:

House Bill No. 60, An act relative to state fish and game refuges.

House Bill No. 86, An act repealing the provision whereby conservation officers may accept fines in the field.

Introduction of Bills

Senator Spollett, under a suspension of the rules, sixteen senators actually having voted in favor thereof, introduced the following entitled bill which was read a first and second time, laid on the the table to be printed, and referred:

Senate Bill No. 13, An act relating to a state bird.

Senator McMeekin moved that the rules be further suspended, printing and reference to committee dispensed with, and the above entitled bill be ordered to a third reading and final passage at the present time.

(Discussion ensued)

On a *viva voce* vote the Chair was in doubt.

The President requested a division.

Eight senators having voted in the affirmative, and fifteen senators having voted in the negative, the negative prevailed, and the motion to suspend the rules was lost, and the bill was referred to the Committee on Judiciary under the rules.

Senator Pierce, under a suspension of the rules, sixteen senators actually having voted in favor thereof, introduced the following entitled bill which was read a first and second time, laid on the table to be printed, and referred to the Committee on Banks and Insurance:

Senate Bill No. 14, An act relating to liability insurance for tractors.

Senator Bingham, under a suspension of the rules, sixteen senators actually having voted in favor thereof, introduced the following entitled bill, which was read a first and second time, laid upon the table to be printed, and referred to the Committee on Judiciary:

Senate Bill No. 15, An act relating to the tenure and bond of the state treasurer.

Committee Reports

Senator Bingham, for the Committee on Judiciary, to whom were referred:

House Bill No. 2, An act relative to compensation of jurors for expenses.

House Bill No. 6, An act repealing provisions as to the election of assessors in towns.

House Bill No. 13, An act relative to exemption from jury service.

Senate Bill No. 5, An act relating to investments by guardians of beneficiaries of the veterans' administration.

Having considered the same, reported the same without amendment and recommended their passage.

The reports were accepted, and the bills were ordered to a third reading this afternoon at two o'clock.

On motion of Senator Spollett the following resolution was adopted:

Resolved, That the rules be so far suspended as to permit all business in order for this afternoon at two o'clock to be made in order at the present time.

Third Readings

The following entitled bills were read a third time and passed:

House Bill No. 2, An act relative to compensation of jurors for expenses.

House Bill No. 6, An act repealing provisions as to the election of assessors in towns.

House Bill No. 13, An act relative to exemption from jury service.

Senate Bill No. 5, An act relating to investments by guardians of beneficiaries of the veterans' administration.

Announcement

The following announcement was read by President Bass:

President of the Senate:

Will you please have this notice read in the Senate both today and tomorrow? Thanks.

J. C. TILTON.

Harold Davison, District Governor of the 195 District of Rotary International, would like to meet all Rotarians of the Senate and the House at the close of the morning session on Wednesday of this week. Place of meeting: Senate Chamber.

Introduction of Guests

The President introduced to the Senate members of the Women's Division of the Republican party from Merrimack County.

The President also introduced to the members of the Senate Congressman Chester E. Merrow who briefly addressed the Senate upon the activities of the 81st Congress.

On motion of Senator Butman the Senate adjourned.

WEDNESDAY, FEBRUARY 2, 1949

The Senate met according to adjournment.

House Message

The following message was received from the House of Representatives, by its Clerk:

Mr. President:

The House of Representatives has passed the following entitled bills, in the passage of which it asks the concurrence of the Honorable Senate:

House Bill No. 18, An act relating to road toll on users of fuel other than motor fuel.

House Bill No. 28, An act relating to the registration of pleasure-car type motor vehicles.

House Bill No. 37, An act relating to debt limitations as a result of certain required installations of sewerage systems or treatment plants.

House Bill No. 52, An act relative to leasing sewerage facilities.

House Bill No. 72, An act relating to a state bird.

House Bill No. 73, An act relative to motor vehicle accidents.

The message further stated that the House of Representatives had adopted the following resolution:

Resolved, That the Honorable Senate be notified that the House of Representatives will be ready to meet the Senate in joint convention at 11:00 o'clock for the purpose of receiving His Excellency, the Governor, and any communication he may be pleased to make, and for the transaction of such other business as may properly come before such convention.

Read and Referred

The following entitled bills, sent up from the House of Representatives, were read a first and second time and referred:

To the Committee on Ways and Means:

House Bill No. 18, An act relating to road toll on users of fuel other than motor fuel.

To the Committee on Transportation:

House Bill No. 28, An act relating to the registration of pleasure-car type motor vehicles.

House Bill No. 73, An act relative to motor vehicle accidents.

To the Committee on Public Health:

House Bill No. 37, An act relating to debt limitations as a result of certain required installations of sewerage systems or treatment plants.

House Bill No. 52, An act relative to leasing sewerage facilities.

To the Committee on Judiciary:

House Bill No. 72, An act relating to a state bird.

Committee Reports

Senator Wiggin, for the Committee on Fisheries and Game, Forestry and Recreation, to whom were referred:

House Bill No. 32, An act relative to prohibiting releasing fish into certain waters.

House Bill No. 41, An act relating to the examination of sawmills by the state forester or his authorized agents.

House Bill No. 42, An act relating to expenses of the state forester in reforestation plans.

House Bill No. 59, An act relative to definitions under the fish and game laws.

Having considered the same, reported the same without amendment and recommended their passage.

The reports were accepted and the bills were ordered to a third reading this afternoon at two o'clock.

Senator Spollett, for the Committee on Public Works, to whom were referred:

Senate Bill No. 11, An act relative to use of town road aid of the Class IV highway.

House Bill No. 106, An act relating to the reversion to towns of certain rights of way.

House Bill No. 110, An act relating to the discontinuance of certain classes of highways.

Having considered the same, reported the same without amendment, and recommended their passage.

The reports were accepted, and the bills were ordered to a third reading this afternoon at two o'clock.

Senator Bingham, for the Committee on Judiciary, to whom were referred:

House Bill No. 27, An act relative to compensation of the state classification plan and retirement system boards.

House Bill No. 55, An act relating to the attendance at county conventions by selectmen of towns not sending representatives.

House Bill No. 78, An act relating to the powers of the village precinct of Hanover to install parking meters.

House Bill No. 88, An act relating to the penalty for embezzlement.

Having considered the same, reported the same without amendment, and recommended their passage.

The reports were accepted, and the bills were ordered to a third reading this afternoon at two o'clock.

Engrossed Bills

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled bills:

House Bill No. 2, An act relative to compensation of jurors for expenses.

House Bill No. 6, An act repealing provisions as to the election of assessors in towns.

House Bill No. 13, An act relative to exemption from jury service.

SARA OTIS,
For the Committee.

On motion of Senator Spollett the following resolution was adopted:

Resolved, That the rules be so far suspended as to permit all business in order for this afternoon at 2 o'clock to be made in order at the present time.

Third Readings

The following entitled bills were read a third time and passed:

House Bill No. 27, An act relative to compensation of the state classification plan and retirement system boards.

House Bill No. 32, An act relative to prohibiting releasing fish into certain waters.

House Bill No. 41, An act relating to the examination of sawmills by the state forester or his authorized agents.

House Bill No. 42, An act relating to expenses of the state forester in reforestation plans.

House Bill No. 55, An act relating to the attendance at county conventions by selectmen of towns not sending representatives.

House Bill No. 59, An act relative to definitions under the fish and game laws.

House Bill No. 78, An act relating to the powers of the village precinct of Hanover to install parking meters.

House Bill No. 88, An act relating to the penalty for embezzlement.

House Bill No. 106, An act relating to the reversion to towns of certain rights of way.

House Bill No. 110, An act relating to the discontinuance of certain classes of highways.

Senate Bill No. 11, An act relative to use of town road aid of the class IV highway.

On motion of Senator Cummings the Senate adjourned.

THURSDAY, FEBRUARY 3, 1949

The Senate met according to adjournment.

Leaves of Absence

Senators E. Cummings, Hartnett, and Reinhart were granted leaves of absence on account of important business.

House Message

The following message was received from the House of Representatives by its Clerk:

Mr. President:

The House of Representatives has passed the following entitled bills in the passage of which it asks the concurrence of the Honorable Senate:

House Bill No. 30, An act naming the John Stark Highway.

House Bill No. 76, An act relative to annual reports of certain county officers.

House Bill No. 118, An act relating to cemetery records.

House Bill No. 119, An act authorizing the city of Claremont to issue refunding bonds and validating outstanding bonds and notes.

House Bill No. 131, An act relating to appointment and terms of the members of the commission on interstate cooperation.

House Bill No. 155, An act legalizing certain town and school district meetings in the town of Sutton.

House Bill No. 167, An act relative to town road aid.

Read and Referred

The following entitled bills, sent up from the House of Representatives, were read a first and second time, and referred:

To the Committee on Public Works:

House Bill No. 30, An act naming the John Stark Highway.

House Bill No. 167, An act relative to town road aid.

To the Committee on Judiciary:

House Bill No. 76, An act relative to annual reports of certain county officers.

House Bill No. 118, An act relating to cemetery records.

House Bill No. 119, An act authorizing the city of Claremont to issue refunding bonds and validating outstanding bonds and notes.

On motion of Senator Ainsworth, the rules were suspended, reference to committee dispensed with and the foregoing entitled bill was read a third time and passed at the present time.

House Bill No. 131, An act relating to appointment and terms of the members of the commission on interstate cooperation.

House Bill No. 155, An act legalizing certain town and school district meetings in the town of Sutton.

Introduction of Bills

Senator Spollett, under a suspension of the rules, sixteen senators actually having voted in favor thereof, introduced the following entitled bill, which was read a first and second time, laid on the table to be printed, and referred to the Committee on Transportation:

Senate Bill No. 16, An act relative to operation of motor vehicles by amputees.

Senator Dole, under a suspension of the rules, sixteen senators actually having voted in favor thereof, introduced the following entitled bill, which was read a first and second time, laid on the table to be printed, and referred to the Committee on Judiciary:

Senate Bill No. 17, An act to legalize a special meeting of the school district of the town of New Hampton.

On motion of Senator Spollett the following resolution was adopted:

Resolved, That the rules be so far suspended as to permit all business in order for this afternoon at two o'clock to be made in order at the present time.

On motion of Senator Tarlson the following resolution was adopted:

Resolved, That when the Senate adjourns today it be to meet Tuesday morning at 11:00 o'clock.

On motion of Senator Butman the Senate adjourned.

TUESDAY, FEBRUARY 8, 1949

The Senate met according to adjournment.

Introduction of Guests

President Bass introduced to the Senate Cub Pack No. 104 from Manchester, sponsored by Senator Lalumiere. The Cubs recited the law of the Cub Pack, the Cub Promise and Cub Motto, and sang God Bless America.

President Bass also introduced to the Senate, the Cub Master.

House Message

The following message was received from the House of Representatives by its Clerk:

Mr. President:

The House of Representatives has passed the following entitled bills in the passage of which it asks the concurrence of the Honorable Senate:

House Bill No. 19, An act relating to the incompatibility of town offices.

House Bill No. 23, An act relating to the disposal of dog license fees.

House Bill No. 50, An act relating to the burial of veterans.

House Bill No. 57, An act relative to unemployment compensation reciprocal arrangements.

House Bill No. 81, An act relative to privileged communications from prisoners of state prison.

House Bill No. 134, An act legalizing certain town meetings in the town of Freedom.

House Bill No. 149, An act relating to the lien for sewer assessments and sewer rentals.

House Bill No. 160, An act relative to employment preferences for certain widows and wives of veterans.

House Bill No. 161, An act relative to bonds on public works.

House Bill No. 223, An act to enlarge the powers of savings banks in making loans to veterans.

Read and Referred

The following entitled bills, sent up from the House of Representatives, were read a first and second time, and referred:

To the Committee on Judiciary:

House Bill No. 19, An act relating to incompatibility of town offices.

House Bill No. 134, An act legalizing certain town meetings in the town of Freedom.

House Bill No. 149, An act relating to the lien for sewer assessments and sewer rentals.

To the Committee on Education:

House Bill No. 23, An act relating to the disposal of dog license fees.

To the Committee on Military and Veterans' Affairs:

House Bill No. 50, An act relative to the burial of veterans.

House Bill No. 160, An act relative to employment preferences for certain widows and wives of veterans.

To the Committee on Labor:

House Bill No. 57, An act relative to unemployment compensation reciprocal arrangements.

To the Committee on Public Welfare and State Institutions:

House Bill No. 81, An act relative to privileged communications from prisoners of state prison.

To the Committee on Banks and Insurance:

House Bill No. 161, An act relative to bonds on public works.

House Bill No. 223, An act to enlarge the powers of savings banks in making loans to veterans.

Introduction of Bills

Senator E. Cummings, under a suspension of the rules, sixteen senators actually having voted in favor thereof introduced the following entitled bill, which was read a first and second time, laid on the table to be printed, and referred to the Committee on Judiciary:

Senate Bill No. 18, An act relative to hours of service of permanent police officers.

Senator E. Cummings, under a suspension of the rules, sixteen senators actually having voted in favor thereof, introduced the following entitled bill, which was read a first and second time, and referred:

Senate Bill No. 19, An act authorizing the town of Temple to issue notes in payment for certain 1948 operating expenses.

Senator Cummings moved that the rules be further suspended, printing and reference to committee dispensed with, and that the above entitled bill be read a third time and passed at the present time.

(Discussion ensued)

On motion of Senator Hartnett the minutes of the special town meeting of the town of Temple, authorized by the Court, were made a part of the permanent record of the Senate.

February 4, 1949

Special Town Meeting Authorized by the Court December 17, 1948

Voted that the meeting raise and appropriate the sum of \$3,800.00 to defray expense of fire September 25, 1948.

Voted that the selectmen be authorized to borrow, not to exceed the sum of \$3,800.00, in anticipation of 1949 taxes.

Voted the selectmen present a bill to the Legislature for permission to spread the sum of \$3,800.00 over a three (3) year period, with equal payments.

A true copy of the records.

HERBERT A. WILLARD,

Town Clerk.

The question being stated,

Shall the rules be suspended, printing and reference to committee be dispensed with and the bill ordered to a third reading at the present time?

On a *viva voce* vote the affirmative prevailed and the above entitled bill was read a third time and passed.

Committee Reports

Senator Burbank, for the Committee on Education, to whom was referred House Bill No. 5, An act relating to the audit of school district accounts.

Having considered the same, reported the same without amendment and recommended its passage.

The report was accepted and the bill was ordered to a third reading this afternoon at two o'clock.

Engrossed Bills

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled bills:

House Bill No. 27, An act relative to compensation of the State Classification Plan and Retirement System Boards.

House Bill No. 32, An act relative to prohibiting releasing fish into certain waters.

House Bill No. 41, An act relating to the examination of saw mills by the state forester or his authorized agents.

House Bill No. 42, An act relating to expenses of the state forester in reforestation plans.

House Bill No. 55, An act relating to the attendance at county conventions by selectmen of towns not sending representatives.

House Bill No. 59, An act relative to definitions under the fish and game laws.

House Bill No. 78. An act relating to the powers of the village precinct of Hanover to install parking meters.

House Bill No. 88. An act relating to the penalty for embezzlement.

House Bill No. 106. An act relating to the reversion to towns of certain rights of way.

House Bill No. 110. An act relating to the discontinuance of certain classes of highways.

SARA OTIS,
For the Committee.

On motion of Senator Spollett the following resolution was adopted:

Resolved. That the rules be so far suspended as to permit all business in order for this afternoon at two o'clock to be made in order at the present time.

Third Reading

The following entitled bill was read a third time and passed:

House Bill No. 5. An act relating to the audit of school district accounts.

Senator Reinhart requested the use of the Senate Chamber for the Committee on Judiciary to hold a public hearing this afternoon at 1:30 P. M.

On a *viva voce* vote the request was granted.

On motion of Senator Butman the Senate adjourned.

WEDNESDAY, FEBRUARY 9, 1949

The Senate met according to adjournment.

House Message

The following message was received from the House of Representatives, by its Clerk:

Mr. President:

The House of Representatives has passed the following entitled bills, in the passage of which it asks the concurrence of the Honorable Senate:

House Bill No. 11, An act authorizing the Rye school district to borrow money and to issue notes or bonds.

House Bill No. 12, An act authorizing the North Hampton school district to borrow money and to issue notes or bonds.

House Bill No. 53, An act relating to non-resident pupils in schools.

House Bill No. 58, An act relating to the time for accounting for bounties by selectmen.

House Bill No. 92, An act validating bonds issued by Wallis Sands, Rye North Beach and Foss Beach District and changing the name of the district to Rye Water District.

Read and Referred

The following entitled bills, sent up from the House of Representatives, were read a first and second time and referred:

To the Committee on Judiciary:

House Bill No. 11, An act authorizing the Rye school district to borrow money and to issue notes or bonds.

House Bill No. 12, An act authorizing the North Hampton school district to borrow money and to issue notes or bonds.

House Bill No. 92, An act validating bonds issued by Wallis Sands, Rye North Beach and Foss Beach District and changing the name of the district to Rye Water District.

To the Committee on Education:

House Bill No. 53, An act relating to non-resident pupils in schools.

To the Committee on Fisheries and Game, Forestry and Recreation:

House Bill No. 58, An act relating to the time for accounting for bounties by selectmen.

Introduction of Guest

President Bass introduced to the membership of the Senate, Miss Rachel Burbank, daughter of Honorable Senator Burbank from District No. 20.

Introduction of Bills and Joint Resolutions

Senator Reinhart, under a suspension of the rules, sixteen senators actually having voted in favor thereof, introduced the following entitled joint resolution, which was read a first

and second time, laid upon the table to be printed, and referred to the Committee on Judiciary:

Senate Joint Resolution No. 2, Joint resolution to establish an interim commission to study the laws of the state pertaining to public utilities.

Senator Reinhart, under a suspension of the rules, sixteen senators actually having voted in favor thereof, introduced the following entitled joint resolution, which was a first and second time, laid upon the table to be printed and referred to the Committee on Finance:

Senate Joint Resolution No. 3, Joint resolution providing for the reclassification of state employees.

Senator Reinhart moved that the rules be suspended, printing and reference to committee be dispensed with, and that the above entitled joint resolution be put on its third reading and final passage at the present time.

(Discussion ensued)

On a *viva voce* vote, the Chair was in doubt.

President Bass requested a division.

Nineteen senators having voted in the affirmative, and three senators having voted in the negative, the affirmative prevailed and the bill was read a third time and passed.

Senator Brunel, under a suspension of the rules, sixteen senators actually having voted in favor thereof, introduced the following entitled joint resolution, which was read a first and second time, laid upon the table to be printed, and referred to the Committee on Public Welfare and State Institutions:

Senate Joint Resolution No. 5, Joint resolution establishing a committee to investigate the status of the state sanatorium at Glenciff.

Senator Wiggin, under a suspension of the rules, sixteen senators actually having voted in favor thereof, introduced the following entitled joint resolution, which was read a first and second time, laid upon the table to be printed, and referred to the Committee on Finance:

Senate Joint Resolution No. 4, Joint resolution in favor of Ruth D. Hier.

Senator Hartnett, under a suspension of the rules, sixteen

senators actually having voted in favor thereof, introduced the following entitled bills, which were read a first and second time, laid upon the table to be printed, and referred to the Committee on Judiciary:

Senate Bill No. 21, An act relating to legacy receipts.

Senate Bill No. 22, An act relating to stenographers for probate court.

Senator McMeekin, under a suspension of the rules, sixteen senators actually having voted in favor thereof, introduced the following entitled bill, which was read a first and second time, laid upon the table to be printed, and referred to the Committee on Ways and Means:

Senate Bill No. 20, An act relative to auditing accounts of agricultural fairs.

House Message

The following message was received from the House of Representatives, by its Clerk:

Mr. President:

The House of Representatives has voted to recall from the Honorable Senate the following entitled bill:

House Bill No. 53, An act relating to non-resident pupils in schools.

On motion of Senator Reinhart the Senate voted to accede to the request of the House of Representatives for the return for further reconsideration of the above entitled bill.

On motion of the same senator the order whereby the above entitled bill was referred to the Committee on Education was vacated.

Committee Reports

Senator Wiggin, for the Committee on Fisheries and Game, Forestry and Recreation, to whom were referred:

House Bill No. 34, An act relative to having or carrying loaded guns.

House Bill No. 86, An act repealing the provision whereby conservation officers may accept fines in the field.

Having considered the same, reported the same without amendment and recommended their passage.

The reports were accepted, and the bills were ordered to a third reading this afternoon at two o'clock.

Senator Wiggin, for the Committee on Fisheries and Game, Forestry and Recreation, to whom was referred House Bill No. 60, An act relative to fish and game refuges.

Having considered the same, reported the same with the following amendment and recommended that the bill as amended ought to pass:

Amend section 3 of the bill by striking out in line 4, after "12-c" the words "and by striking out the word loaded" in the third line, so that said section as amended shall read as follows"; and by inserting after the word "a" in the tenth line, the word loaded; so that said section as amended shall read as follows:

3. *Special Regulations.* Amend section 14 of chapter 246 of the Revised Laws by adding after the word "refuge" in the first line the words, except as may be permitted under section 12-c. 14. *Penalty.* Any person found upon a state game refuge, except as may be permitted under section 12-c, or upon any land under the control of the director, which has been established by him as an area for the propagation of game, having in his possession a loaded firearm, shall be fined not more than one hundred dollars or imprisoned not more than thirty days or both.

The report was accepted, amendment adopted, and the bill as amended was ordered to a third reading this afternoon at two o'clock.

Senator Spollett, for the Committee on Public Works, to whom were referred:

House Bill No. 30, An act naming the John Stark Highway.

House Bill No. 167, An act relative to town road aid.

Having considered the same, reported the same without amendment, and recommended their passage.

The reports were accepted, and the bills were ordered to a third reading this afternoon at two o'clock.

Senator Bingham, for the Committee on Judiciary, to whom was referred:

House Bill No. 112, An act providing for the settlement of disputes respecting the domicile of decedents for death tax purposes.

Having considered the same, reported the same without amendment and recommended its passage.

The report was accepted.

Senator Bingham offered the following amendment:

Amend House Bill No. 112 by inserting after section 5 thereof the following new section:

5A. Amend section 1 of chapter 88 of the Revised Laws by adding to section 1 thereof the following: "Wherever the provisions of chapter 89A of the Revised Laws apply, the tax imposed by this section shall be computed without regard to taxes paid to any other state of the District of Columbia."

(Discussion ensued)

Senator Daniel moved that the bill with the accompanying amendment be recommitted to the Committee on Judiciary for further consideration.

On a *viva voce* vote the motion was adopted.

Communication

The following communication was read by the Clerk:

February 7, 1949

Hon. Perkins Bass, President
N. H. State Senate
Concord, N. H.

DEAR MR. BASS:

I am enclosing two resolutions, which were passed by the delegate body of the New Hampshire State Grange at their recent annual convention held in Claremont.

We are enclosing three copies of each one, in order that you may refer them to the proper committees, which are in charge of Motor Vehicle and Highway problems. Thanking you for any assistance you may give in consideration of these important problems, I am

Very truly yours,

SCOTT F. EASTMAN, *Secretary*

N. H. State Grange.

Resolution on Long Range Highway Planning

Be It Resolved, by the New Hampshire State Grange, that the long-range plan for highway improvement to be submitted by the State Highway Department to the General Court, should fulfill the following basic requirements in order to merit legislative and public support:

1. It should be state-wide in scope and include all classifications of highways—primary and secondary, rural and urban—and recommend a specific schedule of priority projects within each classification.

2. The over-all cost of the program recommended should be weighed carefully against the ability and willingness of the taxpayers to pay, and every effort should be made to determine as accurately as possible the fair share to be borne by all groups of beneficiaries.

3. Before final decision is made on financial and other details of the plan, full opportunity should be given for representatives of highway user taxpaying organizations, such as farm, automobile, truck and bus associations, to study the plan and express their views as to its provisions.

And Be it Further Resolved, That copies of this resolution be sent to Governor-elect Sherman Adams, the President of the State Senate, the Speaker of the House of Representatives, the chairmen of the appropriate legislative committees, State Highway Commissioner Frederic E. Everett and the press.

Resolution on Uniform Motor Vehicle Laws

Be It Resolved, That the New Hampshire State Grange reaffirms its action of one year ago and again urges that the proper state officials and the members of the 1949 General Court take prompt steps to compare New Hampshire's existing motor vehicle laws and regulations with those recommended by the Uniform Vehicle Code, and prepare such legislation as may be necessary and practicable to bring this state's law into conformity with the Uniform Vehicle Code; and

Be It Further Resolved, That copies of this resolution be sent to Governor-elect Sherman Adams, the President of the State Senate, the Speaker of the House of Representatives, when elected, the chairmen of the appropriate legislative committees and to Motor Vehicle Commissioner Fred N. Clarke, and the press.

On motion of Senator Noel, further reading was dispensed with.

On motion of Senator Spollett the following resolution was adopted:

Resolved, That the rules be so far suspended as to permit all business in order for this afternoon at two o'clock, to be made in order at the present time.

Third Readings

The following entitled bills were read a third time, and passed:

House Bill No. 30, An act naming the John Stark Highway.

House Bill No. 34, An act relative to having or carrying loaded guns.

House Bill No. 60, An act relative to fish and game refuges.

House Bill No. 86, An act repealing the provision whereby conservation officers may accept fines in the field.

House Bill No. 167, An act relative to town road aid.

On motion of Senator Butman the Senate adjourned.

THURSDAY, FEBRUARY 10, 1949

The Senate met according to adjournment.

Leaves of Absence

Senators E. Cummings and Bingham were granted leaves of absence on account of important business.

House Message

The following message was received from the House of Representatives by its Clerk:

Mr. President:

The House of Representatives has passed the following entitled bills, in the passage of which it asks the concurrence of the Honorable Senate:

House Bill No. 14, An act relating to pari mutuel pools at race meets.

House Bill No. 33, An act relative to police powers of conservation officers.

House Bill No. 64, An act pertaining to the practice of dentistry.

Read and Referred

The following entitled bills, sent up from the House of Representatives, were read a first and second time and referred:

To the Committee on Ways and Means:

House Bill No. 14, An act relating to pari mutuel pools at race meets.

To the Committee on Fisheries and Game, Forestry and Recreation:

House Bill No. 33, An act relating to police powers of conservation officers.

To the Committee on Public Health:

House Bill No. 64, An act pertaining to the practice of dentistry.

Introduction of Bills and Joint Resolutions

Senator Brunel, under a suspension of the rules, sixteen senators actually having voted in favor thereof, introduced the following entitled bills which were read a first and second time, laid on the table to be printed, and referred to the Committee on Judiciary:

Senate Bill No. 23, An act relative to recoveries in old age assistance.

Senate Bill No. 24, An act relating to claims and liens against estates.

Senator Brunel, under a suspension of the rules, sixteen senators actually having voted in favor thereof, introduced the following entitled joint resolution, which was read a first and second time, laid on the table to be printed, and referred to the Committee on Public Welfare and State Institutions:

Senate Joint Resolution No. 7, Joint resolution providing for a committee to study hospital care and rates.

Senator Brunel, under a suspension of the rules, sixteen senators actually having voted in favor thereof, introduced the following entitled joint resolution, which was read a first and second time, laid on the table to be printed, and referred to the Committee on Finance:

Joint Resolution No. 8, Joint resolution in favor of Samuel Jovin.

Senator C. Cummings, under a suspension of the rules, sixteen senators actually having voted in favor thereof, introduced the following entitled joint resolution, which was read a first and second time, laid on the table to be printed, and referred to the Committee on Finance:

Senate Joint Resolution No. 6, Joint resolution in favor of Benjamin F. Greer.

Committee Reports

Senator Tarlson, for the Committee on Banks and Insurance, to whom were referred:

House Bill No. 56, An act relating to the powers of trust companies.

House Bill No. 63, An act relative to annual report of the bank commissioner.

Having considered the same, reported the same without amendment, and recommended their passage.

The reports were accepted, and the bills were ordered to a third reading this afternoon at two o'clock.

Introduction of Committee Report

Senator Reinhart, under a suspension of the rules, introduced a committee report not previously advertised in the Journal.

Senator Bingham, for the Committee on Judiciary, to whom was referred:

House Bill No. 112, An act providing for the settlement of disputes respecting the domicile of decedents for death tax purposes.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted, and the bill was ordered to a third reading this afternoon at two o'clock.

Engrossed Bills

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled bills:

House Bill No. 30, An act naming the John Stark Highway.

House Bill No. 34, An act relative to having or carrying loaded guns.

House Bill No. 86, An act repealing the provision whereby conservation officers may accept fines in the field.

House Bill No. 167, An act relative to town road aid.

Senate Bill No. 19, An act authorizing the town of Temple to issue notes in payment for certain 1948 operating expenses.

House Bill No. 5, An act relating to the audit of school district accounts.

House Bill No. 119, An act authorizing the city of Claremont to issue refunding bonds and validating outstanding bonds and notes.

SARA OTIS,
For the Committee.

On motion of Senator McMeekin, permission was granted for use of the Senate Chamber for a public hearing on Wednesday afternoon, February 16 at 1:30 o'clock.

Resolution

On motion of Senator McMeekin the following resolution was adopted:

Whereas, Tuesday, February 22, is Washington's Birthday, a legal holiday;

Resolved, That during said week the working days of the Senate shall be Wednesday, Thursday and Friday, February 23, 24 and 25.

On motion of Senator Spollett the following resolution was adopted:

Resolved, That the rules be so far suspended as to permit all business in order for this afternoon at two o'clock to be made in order at the present time.

Third Readings

The following entitled bills were read a third time and passed:

House Bill No. 56, An act relating to the powers of trust companies.

House Bill No. 63, An act relative to annual report of the bank commissioner.

House Bill No. 112, An act providing for the settlement of disputes respecting the domicile of decedents for death tax purposes.

On motion of Senator Tarlson the following resolution was adopted:

Resolved, That when the Senate adjourns today it be to meet Tuesday morning at 11:00 o'clock.

On motion of Senator Butman the Senate adjourned.

TUESDAY, FEBRUARY 15, 1949

The Senate met according to adjournment.

House Message

The following message was received from the House of Representatives by its Clerk:

Mr. President:

The House of Representatives has passed the following entitled bills in the passage of which it asks the concurrence of the Honorable Senate:

House Bill No. 69, An act relative to unemployment compensation benefits and benefit eligibility conditions.

House Bill No. 144, An act relative to the operation of a motor vehicle transporting inflammable liquids.

House Bill No. 153, An act relating to fiduciaries.

House Bill No. 154, An act providing for the appointment of temporary guardians.

House Bill No. 174, An act to provide for voting by ballot on transferring powers of collector of taxes to town manager.

House Bill No. 195, An act relative to crossing state lands by public utilities.

House Bill No. 207, An act relating to investments of savings banks.

House Bill No. 234, An act relating to registration of motor vehicles by amputees.

House Bill No. 238, An act relative to legal investments of savings banks.

The message also stated that the House of Representatives has voted to concur with the Honorable Senate in the passage of the following entitled bill sent down from the Honorable Senate.

Senate Bill No. 4, An act relating to copies of public records required by veterans administration.

The message also stated that the House of Representatives refused to concur with the Honorable Senate in the passage of the following entitled bill with amendment, sent down from the Honorable Senate, and asks for a committee of conference:

House Bill No. 60, An act relative to state fish and game refuges.

The speaker appointed as members on such committee, Messrs. Fernald of Rochester, Converse of Pittsburg, and Toleman of Nelson.

On motion of Senator Ainsworth the Senate voted to accede to the request of the House of Representatives for a committee of conference.

President Bass appointed as members of such committee on the part of the Senate, Senators C. Cummings and Hayes.

Read and Referred

The following entitled bills, sent up from the House of Representatives, were read a first and second time, and referred:

To the Committee on Labor:

House Bill No. 69, An act relative to unemployment compensation benefits and benefit eligibility conditions.

To the Committee on Transportation:

House Bill No. 144, An act relative to the operation of a motor vehicle transporting inflammable liquids.

House Bill No. 195, An act relative to crossing state lands by public utilities.

House Bill No. 234, An act relating to registration of motor vehicles by amputees.

To the Committee on Judiciary:

House Bill No. 153, An act relating to fiduciaries.

House Bill No. 154, An act providing for the appointment of temporary guardians.

To the Committee on Public Welfare and State Institutions:

House Bill No. 174, An act to provide for voting by ballot on transferring powers of collector of taxes to town manager.

To the Committee on Banks and Insurance:

House Bill No. 207, An act relating to investments of savings banks.

House Bill No. 238, An act relative to legal investments of savings banks.

Introduction of Bills

Senator Reinhart, under a suspension of the rules, sixteen senators actually having voted in favor thereof, introduced the following entitled bill, which was read a first and second time, laid on the table to be printed, and referred to the Committee on Judiciary:

Senate Bill No. 26, An act relative to the Congregational Society of Stratham.

Senator Burbank, under a suspension of the rules, sixteen senators actually having voted in favor thereof, introduced the following entitled bill, which was read a first and second time, laid on the table to be printed, and referred to the Committee on Education:

Senate Bill No. 25, An act relating to superintendents and assistant superintendents of schools.

Committee Reports

Senator Burbank, for the Committee on Education, to whom was referred:

House Bill No. 23, An act relating to the disposal of dog license fees.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted, and the bill was ordered to a third reading this afternoon at two o'clock.

Senator Bingham, for the Committee on Judiciary, to whom was referred:

Senate Bill No. 3, An act relating to commitment to veterans' administration.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted, and the bill was ordered to a third reading this afternoon at two o'clock.

Senator Otis, for the Committee on Engrossed Bills, to whom was referred:

House Bill No. 112, An act providing for the settlement of disputes respecting the domicile of decedents for death tax purposes.

Having considered the same, reported the same under Joint Rule No. 6, with the following amendment, and recommended that the bill as amended ought to pass:

Amend the bill by renumbering section 8 to read section 2.

Bills Engrossed

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled bills:

House Bill No. 56, An act relating to the powers of trust companies.

House Bill No. 63, An act relative to annual report of the bank commissioner.

SARA E. OTIS,
For the Committee.

On motion of Senator Spollett the following resolution was adopted:

Resolved, That the rules be so far suspended as to permit all business in order for this afternoon at two o'clock to be made in order at the present time.

Third Readings

The following entitled bills were read a third time and passed:

House Bill No. 23, An act relating to the disposal of dog license fees.

Senate Bill No. 3, An act relating to commitment to veterans' administration.

On motion of Senator Butman the Senate adjourned.

WEDNESDAY, FEBRUARY 16, 1949

The Senate met according to adjournment.

House Message

The following message was received from the House of Representatives, by its Clerk:

Mr. President:

The House of Representatives has passed the following entitled bills, in the passage of which it asks the concurrence of the Honorable Senate.

House Bill No. 75, An act regulating the height of vehicles.

House Bill No. 77, An act relative to revocation of the city manager law by a city.

House Bill No. 132, An act to repeal chapter 12 of the Laws of 1830 as amended by chapter 813 of the Laws of 1848 incorporating the trustees of The Pittsfield Academy.

House Bill No. 135, An act pertaining to jail sentences.

House Bill No. 254, An act relating to deferred posting by banks.

House Bill No. 411, An act relative to transfer of funds from the town to the school district in Ashland.

The message further stated that the House of Representatives had voted to adopt the amendment offered by the Committee on Engrossed Bills, to the following Senate bill, in the adoption of which amendment the House of Representatives asked the concurrence of the Honorable Senate:

Senate Bill No. 4, An act relating to copies of public records required by veterans' administration.

Amend said bill by striking out the figure "4-a" in the third line and inserting in place thereof the figure, 5.

On motion of Senator Daniell the Senate voted to concur with the House of Representatives in the amendment to the above entitled bill offered by the Committee on Engrossed Bills.

Read and Referred

The following entitled bills, sent up from the House of Representatives, were read a first and second time and referred:

To the Committee on Transportation:

House Bill No. 75, An act regulating the height of vehicles.

To the Committee on Ways and Means:

House Bill No. 77, An act relative to revocation of the city manager law by a city.

To the Committee on Education:

House Bill No. 132, An act to repeal chapter 12 of the laws of 1830 as amended by chapter 813 of the laws of 1848 incorporating the trustees of The Pittsfield Academy.

House Bill No. 411, An act relative to transfer of funds from the town to the school district in Ashland.

Senator McMeekin moved that the rules be suspended, reference to committee be dispensed with, and that House Bill No. 411 be put on its third reading and final passage at the present time.

On a *viva voce* vote the affirmative prevailed and the bill was put on its third reading and passed at the present time.

To the Committee on Public Welfare and State Institutions:

House Bill No. 135, An act pertaining to jail sentences.

To the Committee on Banks and Insurance:

House Bill No. 254, An act relating to deferred posting by banks.

Introduction of Bills

Senator Ainsworth, under a suspension of the rules, sixteen senators actually having voted in favor thereof, introduced the following entitled bills, which were read a first and second time, laid upon the table to be printed, and referred to the Committee on Judiciary:

Senate Bill No. 27, An act authorizing the Cornish School District to borrow money and to issue notes or bonds.

Senate Bill No. 28, An act authorizing the Charlestown School District to borrow money and to issue notes or bonds.

Committee Reports

Senator Bingham, for the Committee on Judiciary, to whom were referred:

Senate Bill No. 1, An act establishing a state song.

Senate Bill No. 17, An act to legalize a special meeting of the school district of the town of New Hampton.

Senate Bill No. 21, An act relating to legacy receipts.

Senate Bill No. 22, An act relating to stenographers for probate court.

Senate Bill No. 23, An act relative to recoveries in old age assistance.

Senate Bill No. 24, An act relating to claims and liens against estates.

House Bill No. 15, An act legalizing the November election of 1948 in the town of Conway.

House Bill No. 71, An act legalizing the biennial election in the Town of Hampstead.

House Bill No. 92, An act validating bonds issued by Wallis Sands, Rye North Beach and Foss Beach District, and changing the name of the district to Rye Water District.

Having considered the same, reported the same without amendment, and recommended their passage.

The reports were accepted, and the bills were ordered to a third reading this afternoon at two o'clock.

Senator Bingham, for the Committee on Judiciary, to whom was referred:

House Bill No. 72, An act relating to a state bird.

Having considered the same, reported the same with the following amendment, and recommended that the bill as amended ought to pass.

Amend the bill by striking out all after the enacting clause and substituting therefor the following:

1. *State Emblems.* Amend chapter 13 of the Revised Laws by inserting after section 5 the following new section:

6. *State Bird.* In recognition of the contribution of the New Hampshire hen to the material wealth and prosperity of our state and in consideration of its wide-spread fame, the New Hampshire hen is the state bird of the State of New Hampshire.

2. *Takes Effect.* This act shall take effect upon its passage.

The report was accepted.

Question being on the adoption of the amendment offered by the committee.

Senator McMeekin offered an amendment to the amendment, it being striking out the word hen wherever it appears in the amendment and substituting therefor the word "rooster," so that said amendment as amended shall read as follows:

1. *State Emblems.* Amend chapter 13 of the Revised Laws by inserting after section 5 the following new section:

6. *State Bird.* In recognition of the contribution of the New Hampshire rooster to the material wealth and prosperity of our state and in consideration of its wide-spread fame, the New Hampshire rooster is the state bird of the State of New Hampshire.

2. *Takes Effect.* This act shall take effect upon its passage.

On a *viva voce* vote the negative prevailed, and the amendment to the amendment was not adopted.

The question being stated, Shall the amendment offered by the committee be adopted?

On a *viva voce* vote the affirmative prevailed, and the amendment was adopted, and the bill as amended was ordered to a third reading this afternoon at two o'clock.

Senator Noel rose to a point of personal privilege, and requested that he be put on record as voting against the bill and the amendment.

Senator Wiggin, for the Committee on Fisheries and Game, Forestry and Recreation, to whom was referred:

House Bill No. 33, An act relative to police powers of conservation officers.

Having considered the same, reported the same with the following amendment, and recommended that the bill as amended ought to pass.

Amend section 1 of the bill as amended by inserting in the ninth line thereof, after the word "animals" the following, or any other illegal apparatus; so that said section as amended shall read:

1. *Powers of Conservation Officers.* Amend paragraph VI of section 25, chapter 240 of the Revised Laws by striking out said paragraph and inserting in place thereof the following: VI. To stop and to search without a warrant and to examine in the field, in the highway, at an airbase, or on the stream, any person, or any boat, conveyance, aircraft, vehicle,

game bag, game coat, creel, crate, box, locker, or other receptacle, in the presence of the owner if reasonably possible, or any so-called fish house or bob house, in the presence of the occupant, for fish, game, or fur-bearing animals, when he has reasonable cause to believe that any fish, game, or fur-bearing animals, or any other illegal apparatus subject to forfeiture, are concealed thereon or therein;

The report was accepted, amendment adopted, and the bill as amended was ordered to a third reading this afternoon at two o'clock.

Senator Wiggin, for the Committee on Fisheries and Game, Forestry and Recreation, to whom was referred:

House Bill No. 58, An act relating to the time for accounting for bounties by selectmen.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted, and the bill was ordeerd to a third reading this afternoon at two o'clock.

On motion of Senator McMeekin the following resolution was adopted:

Resolved, That the rules be so far suspended, as to permit all business in order for this afternoon at two o'clock to be made in order at the present time.

Third Readings

The following entitled bills were read a third time, and passed:

Senate Bill No. 1, An act establishing a state song.

Senate Bill No. 17, An act to legalize a special meeting of the school district of the town of New Hampton.

Senate Bill No. 21, An act relating to legacy receipts.

Senate Bill No. 22, An act relating to stenographers for probate court.

Senate Bill No. 23, An act relative to recoveries in old age assistance.

Senate Bill No. 24, An act relating to claims and liens against estates.

House Bill No. 15, An act legalizing the November election of 1948 in the town of Conway.

House Bill No. 33, An act relative to police powers of conservation officers.

House Bill No. 58, An act relating to the time for accounting for bounties by selectmen.

House Bill No. 71, An act legalizing the biennial election in the town of Hampstead.

House Bill No. 72, An act relating to a state bird.

House Bill No. 92, An act validating bonds issued by Wallis Sands, Rye North Beach and Foss Beach District, and changing the name of the district to Rye Water District.

Permission for use of the Senate Chamber was granted to Senator McMeekin for the Committee on Ways and Means, to hold a public hearing on Wednesday, February 23 at 1:30 o'clock.

On motion of Senator Butman the Senate adjourned.

THURSDAY, FEBRUARY 17, 1949

The Senate met according to adjournment.

Leaves of Absence

Senators E. Cummings, Hartnett and Reinhart were granted leaves of absence on account of important business.

House Message

The following message was received from the House of Representatives, by its Clerk:

Mr. President:

The House of Representatives has passed the following entitled bills, in the passage of which it asks the concurrence of the Honorable Senate:

House Bill No. 141, An act relative to suspension or revocation of certificates issued under New Hampshire Aeronautics Act.

House Bill No. 142, An act relative to zoning regulations for certain privately-owned airports.

House Bill No. 143, An act relating to liens for storage of aircraft.

House Bill No. 253, An act relating to parking of motor vehicles.

Read and Referred

The following entitled bills, sent up from the House of Representatives, were read a first and second time and referred:

To the Committee on Transportation:

House Bill No. 141, An act relative to suspension or revocation of certificates issued under New Hampshire Aeronautics Act.

House Bill No. 142, An act relative to zoning regulations for certain privately-owned airports.

House Bill No. 143, An act relating to liens for storage of aircraft.

House Bill No. 253, An act relating to parking of motor vehicles.

Introduction of Bills

Senator Pierce, under a suspension of the rules, sixteen senators actually having voted in favor thereof, introduced the following entitled bills, which were read a first and second time, laid upon the table to be printed, and referred to the Committee on Judiciary:

Senate Bill No. 29, An act in relation to notice of petition for right to appeal from decrees of probate courts.

Senate Bill No. 30, An act authorizing the superior court to appoint auditors in certain actions at law.

Committee Reports

Senator Caron, for the Committee on Military and Veterans' Affairs, to whom was referred:

House Bill No. 50, An act relative to the burial of veterans.

Having considered the same, reported the same without amendment and recommended its passage.

The report was accepted, and the bill was ordered to a third reading this afternoon at two o'clock.

Senator Caron, for the Committee on Military and Veterans' Affairs, to whom was referred:

House Bill No. 160, An act relative to employment preferences for certain widows and wives of veterans.

Having considered the same, reported the same with the following amendment and recommended that the bill as amended ought to pass.

Amend section 1 of the bill by striking out the whole of said section and substituting in place thereof the following.

1. *Public Improvements.* Amend section 4-a of chapter 219 of the Revised Laws as inserted by chapter 148 of the Laws of 1947 by striking out said section and inserting in place thereof the following: 4-a. *Widows.* The employment preferences provided for veterans under the provisions of section 4, chapter 190, Laws of 1943 are extended to include any unremarried widow whose husband at the time of his death was a citizen of this state and who served in the armed forces of the United States during any war in which the United States has been engaged, and also to any wife of a totally disabled veteran who is a citizen of the state and who served in the armed forces of the United States during any war in which the United States has been engaged.

The report was accepted, amendment adopted, and the bill as amended was ordered to a third reading this afternoon at two o'clock.

Senator Lalumiere, for the Committee on Public Welfare and State Institutions, to whom were referred:

House Bill No. 81, An act relative to privileged communications from prisoners of state prison.

Senate Joint Resolution No. 5, Joint resolution establishing a committee to investigate the status of the state sanitarium at Glencliff.

Having considered the same, reported the same without amendment and recommended their passage.

The reports were accepted, and the bills were ordered to a third reading this afternoon at two o'clock.

Senate Noel, for the Committee on Ways and Means, to whom was referred:

House Bill No. 14, An act relating to pari mutuel pools at race meets.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted.

Senator Dole offered the following amendment:

Amend the bill by striking out the figure 1956 in line 5,

and the same figure 1956 in line 11, and substituting in place thereof the figure 1954.

(Discussion ensued)

Senator O'Malley moved that the bill and its accompanying amendment be laid on the table and made a special order for Wednesday, February 23, at 11:01.

On a *viva voce* vote the negative prevailed.

The question being stated, Shall the amendment offered by Senator Dole be adopted?

On a *viva voce* vote the negative prevailed, and the amendment was not adopted, and the bill was ordered to a third reading this afternoon at two o'clock.

Senator Noel, for the Committee on Ways and Means, to whom was referred:

Senate Bill No. 20, An act relative to auditing accounts of agricultural fairs.

Having considered the same, reported the same with the following amendment, and recommended that the bill as amended ought to pass.

Amend section 2, sub-section 18-e, line 5, by striking out the words "any or all" and substituting in place thereof the words, the fair or;

Further amend said sub-section 18-e, line 10, by striking out the words "three years" and substituting therefor the words, one year; so that said sub-section as amended shall read:

18-e. *Failure to Keep Accounts.* The failure to keep such books, records and papers and follow such approved methods shall be considered sufficient cause for the commissioner of agriculture to withhold the distribution of funds provided for hereunder to the fair or fairs otherwise entitled thereto until such books, records and papers are made available for audit and such audit made. Any funds remaining in the hands of the commissioners of agriculture which are not distributed because of continued failure to comply with the provisions of section 18-d, shall be distributed after a period of one year, to the fairs which complied with the provisions of said section for the year in question.

The report was accepted, amendment adopted, and the bill as amended was ordered to a third reading this afternoon at two o'clock.

Senator Butman, for the Committee on Banks and Insurance, to whom were referred:

House Bill No. 223, An act to enlarge the powers of savings banks in making loans to veterans.

Senate Bill No. 14, An act relative to liability insurance for tractors.

Having considered the same, reported the same without amendment, and recommended their passage.

The reports were accepted, and the bills were ordered to a third reading this afternoon at two o'clock.

Bills Engrossed

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled bills and joint resolution:

Senate Joint Resolution No. 3, Joint resolution providing for the reclassification of state employees.

House Bill No. 23, An act relating to the disposal of dog license fees.

House Bill No. 112, An act providing for the settlement of disputes respecting the domicile of decedents for death tax purposes.

House Bill No. 411, An act relative to transfer of funds from the town to the school district in Ashland.

SARA OTIS,
For the Committee.

On motion of Senator Spollett the following resolution was adopted:

Resolved, That the rules be so far suspended as to permit all business in order for this afternoon at two o'clock to be made in order at the present time.

Third Readings

The following entitled bills were read a third time, and passed:

House Bill No. 14, An act relating to pari mutuel pools at race meets.

Senator Pierce moved that the Senate reconsider its vote on the above entitled bill.

On a *viva voce* vote the negative prevailed, and the motion to reconsider was lost, and the bill passed.

House Bill No. 50, An act relative to the burial of veterans.

House Bill No. 81, An act relative to privileged communications from prisoners of state prison.

House Bill No. 160, An act relative to employment preferences for certain widows and wives of veterans.

House Bill No. 223, An act to enlarge the powers of savings banks in making loans to veterans.

Senate Bill No. 14, An act relative to liability insurance for tractors.

Senate Bill No. 20, An act relative to auditing accounts of agricultural fairs.

Senate Joint Resolution No. 5, Joint resolution establishing a committee to investigate the status of the state sanitarium at Glenclyff.

On motion of Senator Tarlson the following resolution was adopted:

Resolved, That when the Senate adjourns today it be to meet Wednesday morning at 11 o'clock.

On motion of Senator Butman the Senate adjourned.

WEDNESDAY, FEBRUARY 23, 1949

The Senate met according to adjournment.

House Message

The following message was received from the House of Representatives by its Clerk:

Mr. President:

The House of Representatives has passed the following entitled bills in the passage of which it asks the concurrence of the Honorable Senate:

House Bill No. 84, An act relative to pensions for school teachers in the city of Dover.

House Bill No. 108, An act changing the name of Todd Pond in the towns of Newbury and Bradford.

House Bill No. 157, An act legalizing the proceedings of the biennial election in the town of Lyman.

House Bill No. 159, An act granting school districts temporary emergency exemption from certain provisions of domestic life insurance companies.

House Bill No. 163, An act relative to the investments of the municipal bonds statute.

House Bill No. 165, An act relative to notice to director before water is drawn down in certain cases.

House Bill No. 169, An act relating to voluntary commitment of patients to the state hospital.

House Bill No. 173, An act naming the Moosilauke Trail.

House Bill No. 181, An act relative to the Gafney Home for the Aged.

House Bill No. 185, An act relating to photographic copies of documents and records.

House Bill No. 206, An act relating to insurers not authorized to transact business in this state.

House Bill No. 209, An act relating to the printing of pledges of candidates for delegate upon primary ballots.

House Bill No. 218, An act relating to the directors of insurance companies.

House Bill No. 281, An act relative to suspension of fish and game licenses.

House Bill No. 283, An act relating to licenses for hotels.

The message further stated that the House of Representatives has voted to concur with the Honorable Senate in the passage of the following entitled bill:

Senate Bill No. 2, An act relative to credit unions.

Read and Referred

To the Committee on Education:

House Bill No. 84, An act relative to pensions for school teachers in the city of Dover.

House Bill No. 159, An act granting school districts temporary emergency exemption from certain provisions of the municipal bonds statute.

To the Committee on Fisheries and Game, Forestry and Recreation:

House Bill No. 108, An act changing the name of Todd Pond in the towns of Newbury and Bradford.

House Bill No. 173, An act naming the Moosilauke Trail.

House Bill No. 281, An act relative to suspension of fish and game licenses.

To the Committee on Ways and Means:

House Bill No. 157, An act legalizing the proceedings of the biennial election in the town of Lyman.

House Bill No. 209, An act relating to the printing of pledges for delegate upon primary ballots.

To the Committee on Banks and Insurance:

House Bill No. 163, An act relative to the investments of domestic life insurance companies.

House Bill No. 206, An act relating to insurers not authorized to transact business in this state.

House Bill No. 218, An act relating to the directors of insurance companies.

To the Committee on Public Works:

House Bill No. 165, An act relative to notice to director before water is drawn down in certain cases.

To the Committee on Public Welfare and State Institutions:

House Bill No. 169, An act relating to voluntary commitment of patients to the state hospital.

House Bill No. 181, An act relative to the Gafney Home for the Aged.

To the Committee on Judiciary:

House Bill No. 185, An act relating to photographic copies of documents and records.

To the Committee on Liquor Laws:

House Bill No. 283, An act relating to licenses for hotels.

Introduction of Bills

Senator C. Cummings, under a suspension of the rules, sixteen senators actually having voted in favor thereof, introduced the following entitled bill, which was read a first and second time, laid upon the table to be printed, and referred to the Committee on Judiciary:

Senate Bill No. 31, An act legalizing certain action at the 1948 town meeting in Newport.

Senator Cummings moved that the rules be suspended, printing and reference to committee be dispensed with, and the above entitled bill be put on its third reading and final passage at the present time.

On a *viva voce* vote the affirmative prevailed and the above entitled bill was read a third time and passed.

Senator Wiggin, under a suspension of the rules, sixteen senators actually having voted in favor thereof, introduced the following entitled bill, which was read a first and second time, laid upon the table to be printed, and referred to the Committee on Public Works:

Senate Bill No. 32, An act naming the Horace Greeley Highway.

Senator Pierce, under a suspension of the rules, sixteen senators actually having voted in favor thereof, introduced the following entitled bill, which was read a first and second time, laid upon the table to be printed, and referred to the Committee on Judiciary:

Senate Bill No. 33, An act relative to the board of parole.

Senator Reinhart, under a suspension of the rules, sixteen senators actually having voted in favor thereof, introduced the following entitled bills, which were read a first and second time, laid upon the table to be printed, and referred to the Committee on Judiciary:

Senate Bill No. 34, An act relative to motor vehicle violations.

Senate Bill No. 35, An act relative to registration of motor vehicles.

On motion of Senator Caron the following resolution was unanimously adopted:

Whereas, we have learned with pleasure of the recent marriage of our friend and co-worker, Senator J. Laban Ainsworth and

Whereas, the Senator kept his associates in complete ignorance as to his intentions, therefore

Be It Resolved, That the membership of the Senate express to the Senator and his bride their heartiest congratulations.

Committee Reports

Senator Noel, for the Committee on Ways and Means, to whom was referred:

House Bill No. 18, An act relating to road toll on users of fuel other than motor fuel.

Having considered the same, reported the same without amendment and recommended its passage.

The report was accepted and the bill was ordered to a third reading this afternoon at two o'clock.

Senator Lalumiere, for the Committee on Transportation, to whom were referred:

House Bill No. 46, An act relating to smoking in public carriers where no smoking signs are displayed.

House Bill No. 73, An act relative to motor vehicle accidents.

Having considered the same, reported the same without amendment and recommended their passage.

The reports were accepted and the bills were ordered to a third reading this afternoon at two o'clock.

Senator Lalumiere, for the Committee on Transportation, to whom was referred:

House Bill No. 47, An act relating to obtaining transportation by fraud.

Having considered the same, reported the same with the following amendment and recommended that the bill as amended ought to pass.

Amend section 1 of the bill by inserting in line 7, after the words "automobile driver," the words, commercial air line; so that said section as amended shall read:

1. *Transportation by Fraud.* Amend section 7 of chapter 450 of the Revised Laws by inserting after the word "driver" in the third line the words, taxi driver, bus driver, so that said section as amended shall read as follows: 7. *Obtaining Transportation.* If any person, with intent to cheat or defraud, shall procure the transportation of himself or of other persons, or of personal baggage or effects, by any hackman, carriage driver, taxi driver, bus driver, automobile driver, commercial air line, or expressman, without paying therefor, he shall be fined not more than twenty dollars, or imprisoned not more than three months.

The report was accepted, amendment adopted, and the bill as amended was ordered to a third reading this afternoon at two o'clock.

Senator Bingham, for the Committee on Labor, to whom was referred:

House Bill No. 69, An act relative to unemployment compensation benefits and benefit eligibility conditions.

Having considered the same, reported the same without amendment and recommended its passage.

The report was accepted, and the bill was ordered to a third reading this afternoon at two o'clock.

Bills Engrossed

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled bills:

Senate Bill No. 2, An act relative to credit unions.

Senate Bill No. 4, An act relating to copies of public records required by veterans' administration.

House Bill No. 14, An act relating to pari mutuel pools at race meets.

House Bill No. 15, An act legalizing the November election of 1948 in the town of Conway.

House Bill No. 50, An act relative to the burial of veterans.

House Bill No. 58, An act relating to the time for accounting for bounties by selectmen.

House Bill No. 71, An act legalizing the biennial election in the town of Hampstead.

House Bill No. 81, An act relative to privileged communications from prisoners of state prison.

House Bill No. 92, An act validating bonds issued by Wallis Sands, Rye North Beach and Foss Beach District and changing the name of the district to Rye Water District.

House Bill No. 223, An act to enlarge the powers of savings banks in making loans to veterans.

SARA OTIS,
For the Committee.

On motion of Senator Spollett the following resolution was adopted:

Resolved, That the rules be so far suspended as to permit all business in order for this afternoon at two o'clock to be made in order at the present time.

Third Readings

The following entitled bills were read a third time and passed:

House Bill No. 18, An act relating to road toll on users of fuel other than motor fuel.

House Bill No. 46, An act relating to smoking on public carriers where no smoking signs are displayed.

House Bill No. 47, An act relating to obtaining transportation by fraud.

House Bill No. 69, An act relative to unemployment compensation benefits and benefit eligibility conditions.

House Bill No. 73, An act relative to motor vehicle accidents.

On motion of Senator Bingham the Senate adjourned.

THURSDAY, FEBRUARY 24, 1949

The Senate met according to adjournment.

House Message

The following message was received from the House of Representatives by its Clerk:

Mr. President:

The House of Representatives has passed the following entitled bills in the passage of which it asks for the concurrence of the Honorable Senate:

House Bill No. 8, An act relative to labor contracts.

House Bill No. 10, An act relative to the practice of barbering.

House Bill No. 65, An act relative to unemployment compensation benefit eligibility conditions.

House Bill No. 136, An act relative to liens on logs, lumber or pulpwood for advances made.

House Bill No. 158, An act relative to purchase and sale of poultry.

House Bill No. 191, An act relative to definition of concentrated commercial feeding-stuff.

House Bill No. 193, An act relating to pupils.

House Bill No. 205, An act relating to the soil conservation committee.

House Bill No. 334, An act relative to the salary of the mayor of Somersworth.

House Bill No. 347, An act relating to marking highways for motor vehicle travel.

The message further stated that the House of Representatives has voted to concur with the Honorable Senate in its amendments to the following entitled bill:

House Bill No. 160, An act relative to employment preferences for certain widows and wives of veterans.

The message further stated that the House of Representatives has voted to concur with the Honorable Senate in the passage of the following entitled bills sent down from the Honorable Senate:

Senate Bill No. 5, An act relating to investments by guardians of beneficiaries of the veterans' administration.

Senate Bill No. 31, An act legalizing certain action at the 1948 town meeting in Newport.

The message further stated that the House of Representatives has voted to nonconcur with the Honorable Senate in its amendments to the following entitled bill and asks for a committee of conference:

House Bill No. 72, An act relating to a state bird.

The Speaker appointed as members of such committee on the part of the House, Mr. Sawyer of Concord, Mrs. Cooper of Nashua and Mr. Sanborn of Wakefield.

On motion of Senator Spollett the Senate voted to accede to the request of the House of Representatives for a committee of conference, and the President appointed as members of such committee on the part of the Senate Senators Spollett and McMeekin.

Read and Referred

The following entitled bills, sent up from the House of Representatives, were read a first and second time, and referred:

To the Committee on Labor:

House Bill No. 8, An act relative to labor contracts.

House Bill No. 65, An act relative to unemployment compensation benefit eligibility conditions.

To the Committee on Ways and Means:

House Bill No. 10, An act relative to the practice of barbering.

To the Committee on Judiciary:

House Bill No. 334, An act relative to the salary of the Mayor of Somersworth.

House Bill No. 136, An act relative to liens on logs, lumber or pulpwood for advances made.

To the Committee on Agriculture:

House Bill No. 158, An act relative to purchase and sale of poultry.

House Bill No. 191, An act relative to definition of concentrated commercial feeding-stuff.

House Bill No. 205, An act relating to the Soil Conservation Committee.

To the Committee on Education:

House Bill No. 193, An act relating to pupils.

To the Committee on Transportation:

House Bill No. 347, An act relating to marking highways for motor vehicle travel.

Introduction of Bills

Senator Brunel, under a suspension of the rules, sixteen senators actually having voted in favor thereof, introduced the following entitled bill, which was read a first and second time, laid upon the table to be printed, and referred to the Committee on Public Welfare and State Institutions:

Senate Bill No. 36, An act relative to the Peterborough Home for the Aged.

Senator Butman, under a suspension of the rules, sixteen senators actually having voted in favor thereof, introduced the following entitled bill, which was read a first and second time, laid upon the table to be printed, and referred to the Committee on Ways and Means:

Senate Bill No. 37, An act relative to pari mutuel pools at race meets at agricultural fairs.

Reconsideration

On motion of Senator Wiggin the rules were so far suspended as to allow a reconsideration of the vote on House Bill No. 47, An act relating to obtaining transportation by fraud.

On motion of the same senator the Senate voted to reconsider the vote whereby the bill passed.

On motion of the same senator the Senate voted to reconsider the vote whereby the bill was ordered to a third reading.

The bill, being on its second reading and open to amendment, Senator Wiggin offered the following amendment:

Amend the bill by striking out the words "commercial air line" where they appear and substituting therefor the words, "commercial aircraft operator."

On a *viva voce* vote the amendment was adopted, and the bill as amended was ordered to a third reading this afternoon at two o'clock.

Committee Reports

Senator Bingham, for the Committee on Judiciary, to whom were referred:

House Bill No. 49, An act legalizing certain town meetings in the town of Jackson.

House Bill No. 131, An act relating to appointment and terms of the members of the commission on interstate cooperation.

House Bill No. 154, An act providing for the appointment of temporary guardians.

House Bill No. 155, An act legalizing certain town and school district meetings in the town of Sutton.

Senate Bill No. 15, An act relating to the tenure and bond of the state treasurer.

Senate Bill No. 18, An act relative to hours of service of permanent police officers.

Senate Bill No. 26, An act relative to the congregational society in Stratham.

Having considered the same, reported the same without amendment and recommended their passage.

The reports were accepted, and the bills were ordered to a third reading this afternoon at two o'clock.

Senator Bingham, for the Committee on Judiciary, to whom was referred:

House Bill No. 19, An act relating to incompatibility of town officers.

Having considered the same, reported the same with the following amendment and recommended that the bill as amended ought to pass.

Amend section 1 of the bill by striking out in the fifth line the words, "the office of town clerk," and substituting in place thereof the words, any two of the following offices; so that said section as amended shall read as follows:

1. *Town Offices.* Amend section 43, chapter 59, Revised Laws, by striking out the same and inserting in place thereof the following: 43. *Incompatibility.* No person shall at the same time hold any two of the following offices: selectman, treasurer, collector of taxes, auditor and highway agent; no person shall at the same time hold any two of the following offices; town treasurer, selectman and head of any police department on full time duty; and no official handling funds of a town shall at the same time hold the office of auditor.

The report was accepted, amendment adopted, and the bill as amended was ordered to a third reading this afternoon at two o'clock.

Senator Bingham, for the Committee on Judiciary, to whom was referred:

House Bill No. 153, An act relating to fiduciaries.

Having considered the same, reported the same with the following amendment, and recommended that the bill as amended, ought to pass:

Amend section 1 of the bill by inserting in the tenth line, after the word "period" the words, not exceeding in the aggregate five years; so that said section as amended shall read:

1. *Fiduciaries.* Amend section 18 of chapter 363 of the Revised Laws as amended by section 4, chapter 264, Laws of 1947, by striking out said section and inserting in place thereof the following: 18. *Filing Account.* Every trustee shall file in the probate court an annual account of administration, unless upon petition he is excused by the judge of probate; but in no event shall he be excused for a period longer than three years, except that in cases where such filing may be impractical

and may work financial hardship to the trust estate the judge of probate upon written approval of the attorney-general may extend said period not exceeding in the aggregate five years. Such annual account of administration provided for herein may be allowed by the judge of probate without publication unless he shall otherwise order. Before giving notice to settle a final account the trustee shall file it in the probate office and shall cause the fact of such filing to appear in the notice and shall at the same time file a statement of the names and residences of the beneficiaries in the trust estate.

The report was accepted, amendment adopted, and the bill as amended was ordered to a third reading this afternoon at two o'clock.

Senator Pierce, for the Committee on Insurance, to whom was referred:

House Bill No. 161, An act relative to bonds on public works.

Having considered the same, reported the same with the following amendment, and recommended that the bill as amended, ought to pass.

Amend section 1 of the bill by inserting at the end thereof the following: No such insurance company or resident agent, personally or by another, shall allow, give or pay, directly or indirectly, to any non-resident agent or non-resident broker any part of the commission on the sale of said bond. The Insurance Commissioner may suspend or revoke the license of any resident agent or insurance company violating the provisions hereof, so that said section, as amended, shall read as follows: 1. *Bonds on Public Works.* Amend section 26 of chapter 264 of the Revised Laws as amended by section 1, chapter 182 of the Laws of 1943 by adding at the end of said section the words: Said bond shall be negotiated for, procured from and the premium therefor paid to a resident agent of an insurance company registered and licensed to do business in the state, so that said section as amended shall read as follows: 26. *Bond Required.* Officers, public boards, agents or other persons who contract in behalf of the state or any political subdivision thereof for the construction, repair or rebuilding of public buildings, public highways, bridges or other public works shall if said contract involves an expenditure of ten thousand dollars, and may if it involves an expenditure of less

amount, obtain as a condition precedent to the execution of the contract, sufficient security by bond or otherwise, in an amount equal to at least eighty per cent of the contract price, or of the estimated cost of the work if no aggregate price is agreed upon, conditioned upon the payment by the contractors and subcontractors for all labor performed or furnished, for all equipment hired, including trucks, for all material used and for fuels, lubricants, power, tools, hardware and supplies purchased by said principal and used in carrying out said contract, and for labor and parts furnished upon the order of said contractor for the repair of equipment used in carrying out said contract. Said bond shall be negotiated for, procured from and the premium therefor paid to a resident agent of an insurance company registered and licensed to do business in this state. No such insurance company or resident agent, personally or by another, shall allow, give or pay, directly or indirectly, to any non-resident agent or non-resident broker any part of the commission on the sale of said bond. The Insurance Commissioner may suspend or revoke the license of any resident agent or insurance company violating the provisions hereof.

The report was accepted, amendment adopted, and the bill as amended was ordered to a third reading this afternoon at two o'clock.

Permission for use of the Senate Chamber was granted to Senator McMeekin for the Committee on Ways and Means to hold a public hearing on Wednesday, March 2, at 2:00 P. M.

On motion of Senator Spollett the following resolution was adopted:

Resolved, That the rules be so far suspended as to permit all business in order for this afternoon at two o'clock to be made in order at the present time.

Third Readings

The following entitled bills were read a third time and passed:

House Bill No. 47, An act relating to obtaining transportation by fraud.

House Bill No. 19, An act relating to incompatibility of town officers.

House Bill No. 49, An act legalizing certain meetings in the town of Jackson.

House Bill No. 131, An act relating to appointment and terms of the members of the commission on interstate co-operation.

House Bill No. 153, An act relating to fiduciaries.

House Bill No. 154, An act providing for the appointment of temporary guardians.

House Bill No. 155, An act legalizing certain town and school district meetings in the town of Sutton.

House Bill No. 161, An act relative to bonds on public works.

Senate Bill No. 15, An act relating to the tenure and bond of the state treasurer.

Senate Bill No. 18, An act relative to hours of service of permanent police officers.

Senate Bill No. 26, An act relative to the congregational society in Stratham.

On motion of Senator Butman the Senate adjourned.

FRIDAY, FEBRUARY 25, 1949

The Senate met according to adjournment.

Leaves of Absence

Senators Dole, Hartnett, O'Malley and Reinhart were granted leaves of absence on account of important business.

House Message

The following message was received from the House of Representatives by its Clerk:

Mr. President:

The House of Representatives has passed the following entitled bills in the passage of which it asks the concurrence of the Honorable Senate:

House Bill No. 1, An act relative to operation of motor vehicles when approaching school busses, school bus signs and stop signals.

House Bill No. 3, An act relative to the practice of optometry.

House Bill No. 31, An act relative to penalty for hunting while intoxicated.

House Bill No. 48, An act relating to apportionment of expenses for municipalities in fighting forest fires.

House Bill No. 51, An act relating to proclamation prohibiting smoking or building fires near woodland.

House Bill No. 129, An act relative to charitable trusts.

House Bill No. 225, An act relative to the Littleton Water and Light Department, formerly Littleton Water Works.

House Bill No. 247, An act relating to the grading and marking of potatoes.

House Bill No. 352, An act relative to taking fish from lakes and ponds partly in another state.

House Bill No. 362, An act relating to television sets in motor vehicles.

House Bill No. 363, An act relating to brakes on all motor vehicles.

House Bill No. 364, An act relative to spot lamps for motor vehicles.

House Bill No. 403, An act relative to authority of the state treasurer to issue short term notes for the new toll road.

The message further stated that the House of Representatives has voted to concur with the Honorable Senate in the passage of the following entitled bill sent down from the Honorable Senate:

Senate Bill No. 17, An act to legalize a special meeting of the school district of the town of New Hampton.

The message further stated that the House of Representatives has voted to adopt the committee of conference report on the following entitled bill:

House Bill No. 60, An act relative to state and game refuges.

Read and Referred

The following entitled bills, sent up from the House of Representatives, were read a first and second time and referred:

To the Committee on Transportation:

House Bill No. 1, An act relative to operation of motor vehicles when approaching school busses, school bus signs and stop signals.

House Bill No. 362, An act relating to television sets in motor vehicles.

House Bill No. 363, An act relating to brakes on all motor vehicles.

House Bill No. 364, An act relative to spot lamps for motor vehicles.

To the Committee on Public Health:

House Bill No. 3, An act relative to the practice of optometry.

To the Committee on Fisheries and Game, Forestry and Recreation:

House Bill No. 31, An act relative to penalty for hunting while intoxicated.

House Bill No. 352, An act relative to taking fish from lakes and ponds partly in another state.

To the Committee on Judiciary:

House Bill No. 352, An act relative to charitable trusts.

To the Committee on Agriculture:

House Bill No. 247, An act relating to the grading and marking of potatoes.

To the Committee on Finance:

House Bill No. 403, An act relative to authority of the state treasurer to issue short term notes for the new toll road.

To the Committee on Public Works:

House Bill No. 225, An act relative to the Littleton Water and Light Department, formerly Littleton Water Works.

Senator McMeekin moved that the rules be suspended, reference to committee be dispensed with, and that the above entitled bill be put on its third reading and final passage at the present time.

On a *viva voce* vote the affirmative prevailed, and the above entitled bill was read a third time, and passed.

On motion of Senator C. Cummings the order whereby House Bill No. 129, An act relative to charitable trusts, was referred to the Committee on Judiciary, was vacated, and the bill was referred to the Committee on Finance.

Introduction of Bills

Senator Pierce, under a suspension of the rules, sixteen senators actually having voted in favor thereof, introduced the following entitled bill which was read a first and second time,

laid on the table to be printed, and referred to the Committee on Ways and Means:

Senator Bill No. 38, An act pertaining to burning property.

Senator Spollett, under a suspension of the rules, sixteen senators actually having voted in favor thereof, introduced the following entitled bill which was read a first and second time, laid on the table to be printed, and referred to the Committee on Judiciary:

Senate Bill No. 39, An act relative to the school district in the town of Atkinson.

Committee Reports

Senator Lalumiere, for the Committee on Transportation, to whom was referred:

House Bill No. 75, An act regulating the height of vehicles.

Having considered the same, reported the same with the following amendment and recommended that the bill as amended ought to pass:

Amend section 1 of the bill by inserting in line 4, after the word "feet," the words, six inches; so that said section as amended shall read:

1. *Motor Vehicles.* Amend chapter 119 of the Revised Laws by inserting after section 38 the following new section: 38-a. *Height.* No vehicle whose total height including load is greater than thirteen feet, six inches, shall be operated on the highways of this state

The report was accepted, amendment adopted, and the bill as amended was ordered to a third reading this afternoon at two o'clock.

Senator Lalumiere, for the Committee on Transportation, to whom were referred:

House Bill No. 144, An act relative to the operation of a motor vehicle transporting inflammable liquids.

House Bill No. 195, An act relative to crossing state lands by public utilities.

House Bill No. 234, An act relating to registration of motor vehicles by amputees.

Senate Bill No. 16, An act relative to operation of motor vehicles by amputees.

Having considered the same, reported the same without amendment, and recommended their passage.

The reports were accepted, and the bills were ordered to a third reading this afternoon at two o'clock.

Committee of Conference Report

The Committee of Conference, to whom was referred:

House Bill No. 60, An act relative to state fish and game refuges, having considered the same, reported the same with the recommendation that the House recede from its position of non-concurrence and concur in the amendment sent down by the Senate.

L. F. FERNALD,
HARVEY H. CONVERSE,
FRANCIS W. TOLMAN,

Conferees on the part of the House.

CURTIS C. CUMMINGS,
FRED G. HAYES, JR.,

Conferees on the part of the Senate.

On a *viva voce* vote the report of the committee of conference was adopted.

Bills Engrossed

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled bills:

Senate Bill No. 5, An act relating to investments by guardians of beneficiaries of the veterans' administration.

House Bill No. 18, An act relating to road toll on users of fuel other than motor fuel.

House Bill No. 46, An act relating to smoking on public carriers where "no smoking" signs are displayed.

House Bill No. 73, An act relative to motor vehicle accidents.

Senate Bill No. 31, An act legalizing certain action at the 1948 town meeting in Newport.

House Bill No. 69, An act relative to unemployment compensation benefits and benefit eligibility conditions.

SARA OTIS,
For the Committee.

On motion of Senator Spollett the following resolution was adopted:

Resolved, That the rules be so far suspended as to permit all business in order for this afternoon at two o'clock be made in order at the present time.

House Message

The following message was received from the House of Representatives by its Clerk:

Mr. President:

The House of Representatives has passed the following entitled bill in the passage of which it asks the concurrence of the Honorable Senate:

House Bill No. 427, An act to provide for a reorganization plan for the departments and agencies of the state government.

Read and Referred

The following entitled bill, sent up from the House of Representatives, was read a first and second time, and referred to the Committee on Finance:

House Bill No. 427, An act to provide for a reorganization plan for the departments and agencies of the state government.

Senator Noel moved that the order whereby the above entitled bill was referred to the Committee on Finance be vacated, that the rules be suspended, and that the bill be ordered to a third reading and final passage at the present time.

(Discussion ensued)

The question being stated, Shall the order be vacated and the rules suspended to allow the third reading and final passage of the bill at the present time?

On a *viva voce* vote the Chair was in doubt.

Senator Noel requested a division.

Eleven Senators having voted in the affirmative, and seven senators having voted in the negative, it requiring a two-thirds vote to suspend the rules, the negative prevailed and the motion was lost, and the bill was referred to the Committee on Finance.

Introduction of Joint Resolution

Senator Bingham, under a suspension of the rules, sixteen senators actually having voted in favor thereof, introduced the following entitled joint resolution which was read a first and

second time, laid on the table to be printed, and referred to the Committee on Finance:

Senate Joint Resolution No. 9, Joint resolution relative to the estate of D. Salman Whitcomb.

Third Readings

The following entitled bills were read a third time and passed:

House Bill No. 75, An act regulating the height of vehicles.

House Bill No. 144, An act relative to the operation of a motor vehicle transporting inflammable liquids.

House Bill No. 195, An act relative to crossing state lands by public utilities.

House Bill No. 234, An act relating to registration of motor vehicles by amputees.

Senate Bill No. 16, An act relative to operation of motor vehicles by amputees.

On motion of Senator Tarlson the following resolution was adopted:

Resolved, That when the Senate adjourns today it be to meet Tuesday morning at 11:00 o'clock.

On motion of Senator Butman the Senate adjourned.

TUESDAY, MARCH 1, 1949

The Senate met according to adjournment.

Introduction of Bills

Senator Daniell, under a suspension of the rules, sixteen senators actually having voted in favor thereof, introduced the following entitled bill, which was read a first and second time, laid on the table to be printed, and referred to the Committee on Public Works:

Senate Bill No. 40, An act authorizing the Penacook and Boscawen Water Precinct to issue notes or bonds for water system.

Bills Engrossed

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled bills:

Senate Bill No. 17, An act to legalize a special meeting of the school district of the town of New Hampton.

House Bill No. 49, An act legalizing certain town meetings in the town of Jackson.

House Bill No. 131, An act relating to appointment and terms of the members of the commission on interstate co-operation.

House Bill No. 155, An act legalizing certain town and school district meetings in the town of Sutton.

House Bill No. 144, An act relative to the operation of a motor vehicle transporting inflammable liquids.

House Bill No. 195, An act relative to crossing state lands by public utilities.

House Bill No. 234, An act relating to registration of motor vehicles by amputees.

SARA OTIS,
For the Committee.

Reconsideration

On motion of Senator McMeekin the following resolution was adopted:

Resolved, That His Excellency, the Governor, be requested to return to the Senate for further consideration, House Bill No. 225, An act relative to the Littleton Water and Light Department, formerly Littleton Water Works.

On motion of the same senator the rules were so far suspended as to allow a reconsideration of the vote on House Bill No. 225, An act relative to the Littleton Water and Light Department, formerly Littleton Water Works.

On motion of the same senator the Senate voted to reconsider the vote whereby the bill passed.

On motion of the same senator the Senate voted to reconsider the vote whereby the bill was ordered to a third reading, and the above entitled bill was referred to the Committee on Judiciary.

Resolution

On motion of Senator Hartnett the following resolution was adopted.

Whereas, Tuesday, March 8, is Town Meeting Day.

Resolved, That the working days of the Senate for that week shall be Wednesday, Thursday and Friday, March 9, 10, and 11.

On motion of Senator Spollett the following resolution was adopted:

Resolved, That the rules be so far suspended as to permit all business in order for this afternoon at two o'clock to be in order at the present time.

On motion of Senator Butman the Senate adjourned.

WEDNESDAY, MARCH 2, 1949

The Senate met according to adjournment.

House Message

The following message was received from the House of Representatives by its Clerk:

Mr. President:

The House of Representatives has passed the following entitled bills in the passage of which it asks the concurrence of the Honorable Senate:

House Bill No. 26, An act relative to public dumps and town appropriations for collection and removal of garbage and other waste materials.

House Bill No. 117, An act increasing the salaries of the commissioners of Coos County.

House Bill No. 140, An act relative to mineral oil in foods and guaranty to dealer relative to original packages of foods.

House Bill No. 156, An act relating to the dimming of lights on motor vehicles.

House Bill No. 213, An act relating to the introduction of bills and to the printing of bills and journals.

House Bill No. 220, An act relative to registration of saw mills.

House Bill No. 241, An act relative to requirements for manufacture of ice cream.

House Bill No. 246, An act relative to biologicals.

House Bill No. 251, An act relating to the appointment and tenure of deputy clerks of superior courts.

House Bill No. 276, An act increasing the number of court stenographers.

House Bill No. 339, An act relating to the change of name of the Concord Building and Loan Association.

House Bill No. 340, An act relating to limitations upon accounts of building and loan associations.

House Bill No. 346, An act relating to fines collected by a municipal court.

House Bill No. 353, An act relating to name and shares of building and loan associations.

House Bill No. 381, An act relative to the salary of the special justice of the Municipal Court of Dover.

The message further stated that the House of Representatives has voted to adopt the amendments offered by the Committee on Engrossed Bills, to the following entitled House Bills, in the adoption of which amendments the House of Representatives asks the concurrence of the Honorable Senate:

House Bill No. 160, An act relative to employment preferences for certain widows and wives of veterans.

Amend section 1 of said bill by striking out the first five lines and inserting in place thereof the following:

1. *Public Employments.* Amend section 4-a of chapter 219 of the Revised Laws as inserted by chapter 148 of the Laws of 1947 by striking out said section and inserting in place thereof the following: 4-a. *Widows.* The employment preferences provided for veterans, under the provisions of section 4 as amended by section 4, chapter 190, Laws of 1943, are extended to include

On motion of Senator Daniell the Senate voted to concur in the amendments to the above entitled bill offered by the Committee on Engrossed Bills.

House Bill No. 33, An act relative to police powers of conservation officers.

Amend section 1 of said bill by striking out the word "other" in the ninth line.

On motion of Senator Pierce the Senate voted to concur in the amendment to the above entitled bill offered by the Committee on Engrossed Bills.

The message further stated that the House of Representatives has voted to non concur with the Honorable Senate in

its amendments to the following entitled bill, and asks for a Committee of Conference:

House Bill No. 75, An act relating to the height of motor vehicles.

The Speaker appointed as members of such committee, on the part of the House, Messrs. Myhaver of Peterborough, Marden of Chichester and Roukey of Manchester.

On motion of Senator Ainsworth the Senate voted to accede to the request of the House of Representatives for a Committee of Conference.

The President appointed as members of such Committee of Conference Senators E. Cummings and Wiggin.

Read and Referred

The following entitled bills, sent up from the House of Representatives, were read a first and second time, and referred:

To the Committee on Public Works:

House Bill No. 26, An act relative to public dumps and town appropriations for collection and removal of garbage and other waste materials.

To the Committee on Ways and Means:

House Bill No. 117, An act increasing the salaries of the commissioners of Coos county.

To the Committee on Public Health:

House Bill No. 140, An act relative to mineral oil in foods and guaranty to dealer relative to original packages of foods.

House Bill No. 241, An act relative to requirements for manufacture of ice cream.

House Bill No. 246, An act relative to biologicals.

To the Committee on Transportation:

House Bill No. 156, An act relating to the dimming of lights on motor vehicles.

To the Committee on Judiciary:

House Bill No. 213, An act relating to the introduction of bills and to the printing of bills and journals.

House Bill No. 251, An act relating to the appointment and tenure of deputy clerks of superior courts.

House Bill No. 276, An act increasing the number of court stenographers.

House Bill No. 346, An act relating to fines collected by a municipal court.

House Bill No. 381, An act relative to the salary of the special justice of municipal court of Dover.

To the Committee on Fisheries and Game, Forestry and Recreation:

House Bill No. 220, An act relative to registration of saw mills.

To the Committee on Banks and Insurance:

House Bill No. 339, An act relating to the change of name of the Concord Building and Loan Association.

House Bill No. 340, An act relating to limitations upon accounts of building and loan associations.

House Bill No. 353, An act relating to name and shares of building and loan associations.

Introduction of Bills

Senator Brunel, under a suspension of the rules, sixteen senators actually having voted in favor thereof, introduced the following entitled bills, which were read a first and second time, laid upon the table to be printed, and referred:

To the Committee on Military and Veterans' Affairs:

Senate Bill No. 41, An act relative to the staff of the Governor as Commander-in-Chief.

To the Committee on Judiciary:

Senate Bill No. 42, An act relative to adoption of rules and regulations by the state board of fire control.

To the Committee on Ways and Means:

Senate Bill No. 43, An act authorizing the town of Bethlehem to purchase certain property and issue serial notes in payment thereof, and legalizing the town meeting held on March 14, 1944.

Senate Bill No. 45, An act relative to regulations for places of assembly.

To the Committee on Fisheries and Game, Forestry and Recreation:

Senate Bill No. 44, An act relative to bounties.

Senator Reinhart, under a suspension of the rules, sixteen senators actually having voted in favor thereof, introduced the following entitled bill, which was read a first and

second time, laid upon the table to be printed, and referred to the Committee on Judiciary:

Senate Bill No. 46, An act relative to the laying out of class 1 and 2 highways.

Senator Lalumiere, under a suspension of the rules, sixteen senators actually having voted in favor thereof, introduced the following entitled bill, which was read a first and second time, laid on the table to be printed, and referred to the Committee on Ways and Means:

Senate Bill No. 47, An act relative to the salaries of the commissioners of Hillsborough County.

Committee Reports

Senator O'Malley, for the Committee on Finance, to whom was referred:

House Bill No. 427, An act to provide for a reorganization plan for the departments and agencies of the State government.

Having considered the same, reported the same without amendment and recommended its passage.

The report was accepted.

Senator Bingham offered the following amendment:

Amend House Bill No. 427 so that after the enacting clause it will read as follows:

"1. *Declaration of Purpose.* The General Court declares that the public interest requires immediate examination of the organization of all agencies of the State government to determine what changes are necessary therein to accomplish the following purposes:

(a) To reduce expenditures and promote economy to the fullest extent consistent with the efficient operation of the State government;

(b) To increase the efficiency of the operations of the State government to the fullest extent practicable within the revenues available to the State;

(c) To group, coordinate and consolidate agencies and functions of the State government as nearly as possible according to major purposes;

(d) To reduce the number of agencies by coordinating those having similar functions under a single head and to

abolish such agencies or functions thereof as may not be necessary for the efficient conduct and operation of the State government; and

(e) To eliminate overlapping and duplication of effort.

"The General Court further declares that the public interest requires that any plan submitted to it under this act shall be given priority over all legislation.

"2. *Reorganizaion Commission.* The Governor shall forthwith appoint a reorganization commission of which he, *ex officio*, shall be the chairman. The commission shall, in addition to the Governor, consist of six qualified persons, three of whom shall be members of the Republican party, three of whom shall be members of the Democratic party, and four of whom shall be members of the General Court. The members of the commission shall serve without compensation but shall be allowed their necessary expenses while engaged in official business. The commission may employ such technical and other assistants as may be necessary and fix their compensation. The sum of seven thousand five hundred dollars, or so much thereof as may be necessary, is hereby appropriated for carrying out the purposes of this act, and the Governor is authorized to draw his warrant for said sum of money in the treasury not otherwise appropriated.

"3. *Powers and Duties of Commission.* The commission shall forthwith commence an examination of all the agencies of the State government for the purpose of determining what changes are necessary therein to accomplish the purposes of section 1 of this act.

"Whenever the commission during its examination finds that:

(a) The transfer of the whole or any part of any agency, or of the whole or any part of the functions thereof to the jurisdiction and control of any other agency; or

(b) The abolition of all or any part of the functions of any agency; or

(c) The consolidation or coordination of the whole or any part of any agency, or of the whole or any part of the functions thereof, with the whole or any part of any other agency or the functions thereof; or

(d) The consolidation or coordination of any part of any agency or the functions thereof with any other part of the same agency or the functions thereof; or

(e) The abolition of the whole or any part of any agency which agency or part does not have, or upon the taking effect of the reorganizations specified in the reorganization plan, will not have any functions, is necessary to accomplish one or more of the purposes of section 1, the commission shall prepare one or more reorganization plans (each bearing an identifying number) for the making of the transfers, consolidations, coordinations, and abolitions, as to which it has made findings and which it includes in the plan or plans, and transmit such plan or plans to the General Court, together with a declaration that with respect to each transfer, consolidation, coordination, or abolition referred to in this section and specified in the plan or plans, it has found that such transfer, consolidation, coordination or abolition is necessary to accomplish one or more of the purposes of section 1 of this act. The delivery to both Houses shall be on the same date, shall be made to each House while it is in session and may be transmitted to the present session of the General Court, or an adjournment therefor, to a special session. The commission in its message transmitting such reorganization plan or plans shall specify with respect to each abolition of an agency or function specified in a plan or reorganization the statutory authority for the existence of the agency or the exercise of such function. Each plan shall be in the form of a bill amending or repealing existing parts, chapters and sections of the Revised Laws, as amended, and shall be divided into parts designated by Roman numerals, each part containing no more than one reorganization.

“4. *Additional Contents of Plan.* Any reorganization plan transmitted by the commission under this act:

(a) May change, in such cases as it deems necessary, the name of any agency affected by a reorganization and the title of its head; and may designate the name of any agency resulting from a reorganization and the title of its head;

(b) May include provisions for the appointment, term of office, and compensation of the head and assistant heads of any agency (including an agency resulting from a consolidation or reorganization) if the commission finds, and in its message transmitting the plan declares, that by reason of transfers, consolidations and coordinations made by such plan, the responsibilities and duties of such head are of such nature as to

require such action. The head so provided may be an individual or may be a commission or board with two or more members.

(c) May make provisions for the transfer or other disposition of the records, property and personnel affected by any transfer, consolidation, coordination, or abolition, and the winding up of the affairs of any agency abolished;

(d) May make provision for the transfer of such unexpended balances of appropriations available for use in connection with any function or agency transferred, consolidated or coordinated, as the commission deems necessary by reason of the transfer, consolidation or coordination for use in connection with the transferred, consolidated or coordinated functions, or for the use of the agency to which the transfer is made, but such unexpended balances so transferred shall be used only for the purposes for which such appropriation was originally made and shall make provision for suitable penalties for any use of any such appropriation for any other purpose.

"5. *Definition of Agency.* As used in this act, the term 'agency' means any executive department, commission, independent establishment, in the executive branch of the government. Such term does not include officers elected by the General Court; provided however, that the functions and duties of such officers may be increased by a reorganization plan.

"6. *Takes Effect.* This act shall take effect upon its passage."

(Discussion ensued)

Question being stated, Shall the amendment be adopted?

On a *viva voce* vote the negative prevailed, the amendment was not adopted, and the bill was ordered to a third reading this afternoon at two o'clock.

Senator O'Malley, for the Committee on Finance, to whom were referred:

House Bill No. 129, An act relative to charitable trusts.

House Bill No. 403, An act relative to authority of the state treasurer to issue short term notes for the new toll road.

House Joint Resolution No. 2, Joint resolution in favor of Massachusetts Mutual Life Insurance Company and New England Mutual Life Insurance Company.

Senate Joint Resolution No. 6, Joint resolution in favor of Benjamin F. Greer.

Having considered the same, reported the same without amendment and recommended their passage.

Senator Bingham, for the Committee on Judiciary, to whom were referred:

Senate Bill No. 29, An act in relation to notice of petitions for right to appeal from decrees of probate courts.

Senate Bill No. 30, An act authorizing the superior court to appoint auditors in certain actions at law.

Senate Bill No. 34, An act relative to motor vehicle violations.

Senate Bill No. 35, An act relative to registration of motor vehicles.

House Bill No. 12, An act authorizing the North Hampton school district to borrow money and to issue notes or bonds.

House Bill No. 62, An act relative to town appropriations for coasting and skating places.

House Bill No. 96, An act relating to interest on delinquent taxes.

House Bill No. 134, An act legalizing certain town meetings in the town of Freedom.

Having considered the same, reported the same without amendment and recommended their passage.

The reports were accepted, and the bills were ordered to a third reading this afternoon at two o'clock.

Senator Bingham, for the Committee on Judiciary, to whom was referred:

Senate Joint Resolution No. 2, Joint resolution to establish an interim commission to study the laws of the state pertaining to public utilities.

Having considered the same, reported the same with the following amendment and recommended that the joint resolution as amended ought to pass.

Amend Senate Joint Resolution No. 2 by striking out in line 19 the words "the public" and inserting in place thereof the following: all interested parties; so that said joint resolution as amended shall read:

That a commission of five members at least three of whom shall be members of the General Court be appointed as hereinafter provided, to study the laws of the state regulating or pertaining to public utilities. Said commission shall be appointed by the governor with the advice and consent of the

council prior to August 1, 1949. Vacancies occurring shall be filled in the same manner. Said commission shall make a careful study of present laws regulating or pertaining to public utilities and of the need or advisability of further legislation relating thereto for the purpose of protecting the interests of all interested parties. Said committee shall have full power and authority to require from the several departments, agencies and officials of the state, cities and towns, and from individuals, partnerships and corporations, such information and assistance as it may deem necessary for the purposes of the commission. Said commission may employ such clerical and expert assistants as it may deem necessary. The members of said commission shall serve without compensation but shall be reimbursed for their necessary expenses when engaged in the business of said commission. Said commission shall report its findings and recommendations, together with any proposed legislation necessary to carry out its recommendations, to the next regular session of the legislature, during the first week of said session. The sum of two thousand dollars or so much thereof as may be necessary is hereby appropriated to carry out the purposes of this resolution and the governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

The report was accepted, amendment adopted and the joint resolution as amended was referred to the Committee on Finance under the rules.

Senator Bingham, for the Committee on Judiciary, to whom was referred:

House Bill No. 118, An act relating to cemetery records,

Having considered the same, reported the same with the following amendment and recommended that the bill as amended ought to pass.

Amend section 1 of the bill by striking out after the word "selectmen" in the third line the words "or the person in control", and inserting in place thereof the words, person, association, commissioners or other body charged with the responsibility of operation and administration; so that said section as amended shall read as follows:

1. *Records, Fee.* Amend chapter 68 of the Revised Laws by inserting after section 3 the following new section:
3-a. *Cemetery Records.* The selectmen, person, association,

commissioners, or other body charged with the responsibility of operation and administration of any cemetery, shall keep a record of every burial in any cemetery under their control, showing the date of burial and name of the person buried, when these particulars can be obtained, and the lot, plot, or part thereof, in which the burial was made. A copy of such record, duly certified, shall be furnished to any person on demand and payment of a fee of fifty cents. The fee shall be for the use of the person issuing the certificate.

The report was accepted, amendment adopted, and the bill as amended was ordered to a third reading this afternoon at two o'clock.

Senator Bingham, for the Committee on Judiciary, to whom was referred House Bill No. 149, An act relating to the lien for sewer assessments and sewer rentals.

Having considered the same, reported the same with the following amendment and recommended that the bill as amended ought to pass.

Amend section 2 of the bill by striking out the whole of said section and substituting therefor the following:

2. *Cities.* Amend Acts of 1945, chapter 188, part 22, section 15 by striking out the word "June" and inserting in lieu thereof the word October, so that the same shall read as follows: 15. *Installments.* The mayor and aldermen of any city may, in their discretion, in making any assessment under this part, assess the same to be paid in annual installments extending over a period not exceeding twenty years, and in such cases their assessment so made shall create a lien upon the land on account of which it is made and the lien of each installment so assessed shall continue for one year from October first of the year such installment becomes due.

The report was accepted, amendment adopted, and the bill as amended was ordered to a third reading this afternoon at two o'clock.

Senator Otis, for the Committee on Engrossed Bills, to whom was referred:

House Bill No. 154, An act providing for the appointment of temporary guardians.

Having considered the same, reported the same under Joint Rule No. 6 with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend said bill by striking out the first three lines and inserting in place thereof the following:

1. *Mentally Incompetent Person.* Amend chapter 343 of the Revised Laws by inserting after section 3 the following new section: 3-a. *Temporary Guardian.* If the court finds that

The report was accepted, the amendment was adopted, and the bill as amended was sent to the House of Representatives for concurrence in Senate amendment.

On motion of Senator Spollett, the following resolution was adopted:

Resolved, That the rules be so far suspended as to permit all business in order for this afternoon at two o'clock to be made in order at the present time.

Third Readings

The following entitled bills were read a third time and passed:

Senate Bill No. 29, An act in relation to notice of petitions for right to appear from decrees of probate courts.

Senate Bill No. 30, An act authorizing the superior court to appoint auditors in certain actions at law.

Senate Bill No. 34, An act relative to motor vehicle violations.

Senate Bill No. 35, An act relative to registration of motor vehicles.

Senate Joint Resolution No. 6, Joint resolution in favor of Benjamin F. Greer.

House Bill No. 12, An act authorizing the North Hampton School district to borrow money and to issue notes or bonds.

House Bill No. 62, An act relative to town appropriations for coasting and skating places.

House Bill No. 96, An act relating to interest on delinquent taxes.

House Bill No. 118, An act relating to cemetery records.

House Bill No. 129, An act relative to charitable trusts.

House Bill No. 134, An act legalizinng certain town meetings in the town of Freedom.

House Bill No. 149, An act relating to the lien for sewer assessments and sewer rentals.

House Bill No. 403, An act relative to authority of the state treasurer to issue short term notes for the new toll road.

House Bill No. 427, An act to provide for a reorganization plan for the departments and agencies of the State Government.

House Joint Resolution No. 2, Joint Resolution in favor of Massachusetts Mutual Life Insurance Company and New England Mutual Life Insurance Company.

Reconsideration

Senator Noel moved that the Senate reconsider its vote on House Bill No. 427, An act to provide for a reorganization plan for the departments and agencies of the State Government.

On a *viva voce* vote the negative prevailed, and the motion to reconsider was lost.

On motion of Senator Butman the Senate adjourned.

THURSDAY, MARCH 3, 1949

The Senate met according to adjournment.

Leaves of Absence

Senators Reinhart and Hartnett were granted leaves of absence on account of important business.

House Message

The following message was received from the House of Representatives by its Clerk:

Mr. President:

The House of Representatives has passed the following entitled bills in the passage of which it asks the concurrence of the Honorable Senate:

House Bill No. 350, An act relating to changing the name of Long Pond in Hollis.

House Bill No. 354, An act relating to enlarging school-house lots.

House Bill No. 369, An act relative to service exemption for war veterans.*

House Bill No. 405, An act relative to destruction of papers of the health department.

The message further stated that the House of Representatives has voted to concur with the Honorable Senate in its amendments to the following entitled bills:

House Bill No. 19, An act relating to incompatibility of town offices.

House Bill No. 153, An act relating to fiduciaries.

Read and Referred

The following entitled bills, sent up from the House of Representatives, were read a first and second time, and referred:

To the Committee on Fisheries and Game, Forestry and Recreation:

House Bill No. 350, An act relating to changing the name of Long Pond in Hollis.

To the Committee on Education:

House Bill No. 354, An act relating to enlarging school-house lots.

To the Committee on Military and Veterans Affairs:

House Bill No. 369, An act relative to service exemption for war veterans.

To the Committee on Ways and Means:

House Bill No. 405, An act relative to destruction of papers of the health department.

Introduction of Bills

Senator Caron, under a suspension of the rules, sixteen senators actually having voted in favor thereof, introduced the following entitled bill which was read a first and second time, laid on the table to be printed, and referred to the Committee on Education:

Senate Bill No. 48, An act relative to aid for handicapped children.

Senator Hayes, under a suspension of the rules, sixteen senators actually having voted in favor thereof, introduced the following entitled bill which was read a first and second time, laid on the table to be printed, and referred to the Committee on Fisheries and Game, Forestry and Recreation:

Senate Bill No. 49, An act relative to the bag limit for taking horn pout.

Committee Reports

Senator Lalumiere, for the Committee on Transportation, to whom were referred:

House Bill No. 141, An act relative to suspension or revocation of certificates issued under New Hampshire Aeronautics Act.

House Bill No. 142, An act relative to zoning regulations for certain privately owned airports.

House Bill No. 143, An act relating to liens for storage of aircraft.

House Bill No. 253, An act relating to parking of motor vehicles.

House Bill No. 362, An act relating to television sets in motor vehicles.

House Bill No. 363, An act relating to brakes on all motor vehicles.

House Bill No. 364, An act relative to spot lamps for motor vehicles.

Having considered the same, reported the same without amendment and recommended their passage.

The reports were accepted, and the bills were ordered to a third reading this afternoon at two o'clock.

Senator Bingham, for the Committee on Labor, to whom was referred:

House Bill No. 8, An act relative to labor contracts.

Having considered the same, reported the same without amendment and recommended its passage.

The report was accepted, and the bill was ordered to a third reading this afternoon at two o'clock.

Senator Burbank, for the Committee on Education, to whom were referred:

House Bill No. 84, An act relative to pensions for school teachers in the city of Dover.

House Bill No. 132, An act to repeal chapter 12 of the Laws of 1830 as amended by chapter 813 of the Laws of 1848 incorporating the trustees of the Pittsfield Academy.

House Bill No. 159, An act granting school districts temporary emergency exemption from certain provisions of the municipal bonds statute.

House Bill No. 193, An act relating to pupils.

Having considered the same, reported the same without amendment and recommended their passage.

The reports were accepted, and the bills ordered to a third reading this afternoon at two o'clock.

Senator Tarlson, for the Committee on Banks and Insurance, to whom were referred:

House Bill No. 163, An act relative to the investments of domestic life insurance companies.

House Bill No. 218, An act relating to the directors of insurance companies.

House Bill No. 238, An act relative to legal investments of savings banks.

House Bill No. 254, An act relating to deferred posting by banks.

Having considered the same, reported the same without amendment and recommended their passage.

The reports were accepted, and the bills were ordered to a third reading this afternoon at two o'clock.

Senator Noel, for the Committee on Ways and Means, to whom were referred:

Senate Bill No. 38, An act pertaining to burning property.

House Bill No. 157, An act legalizing the proceedings of the biennial election in the town of Lyman.

House Bill No. 209, An act relative to form of declarations of candidacy for delegate to the national presidential convention.

House Bill No. 10, An act relative to the practice of barbering.

Having considered the same, reported the same without amendment and recommended their passage.

The reports were accepted, and the bills were ordered to a third reading this afternoon at two o'clock.

Senator Noel, for the Committee on Ways and Means, to whom was referred:

Senate Bill No. 37, An act relative to pari mutuel pools at race meets at agricultural fairs.

Having considered the same, reported the same with the following amendment and recommended that the bill as amended ought to pass:

Amend section 1 of the bill by striking out in the 6th line the words "race or" and inserting in place thereof the word, harness; so that said section as amended shall read:

1. *Horse Racing.* Amend section 15 of chapter 171 of the Revised Laws as amended by chapter 83 of the Laws of 1943 and chapter 117 of the Laws of 1945 by striking out said section and inserting in place thereof the following: 15. *Pari Mutuel Pools.* Within the enclosure of any race track where is held a harness race meet licensed and conducted under this chapter, but not elsewhere, the sale of pari mutuel pools by the licensee under such regulations as may be prescribed by said commission is hereby permitted and authorized during the calendar years 1941 to 1950, inclusive. Commissions on such pools shall in no event and at no track, excepting at tracks or race meets conducted by agricultural fairs where the commissions shall be fifteen per cent, exceed eleven and one-half per cent of each dollar wagered, plus the odd cents of all redistribution to be based upon each dollar wagered exceeding a sum equal to the next lowest multiple of ten, known as "breakage," one-half of which breakage shall be retained by the licensee and the balance shall be paid to the state treasurer for the use of the state in accordance with the provisions of section 2. Said maximum shall include the five per cent tax hereinafter prescribed. For the purpose of the exception set forth in this section, an 'agricultural fair' shall be deemed to be such an association as does provide for and pay premiums of five thousand dollars, or more, annually as is determined by the commissioner of agriculture in accordance with section 18 of this chapter.

The report was accepted, amendment adopted, and the bill as amended was ordered to a third reading this afternoon at two o'clock.

Bills Engrossed

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled bills:

Senate Bill No. 1, An act establishing a state song.

House Joint Resolution No. 2, An act in favor of Massachusetts Mutual Life Insurance Company and New England Mutual Life Insurance Company.

House Bill No. 12, An act authorizing the North Hampton School District to borrow money and to issue notes or bonds.

House Bill No. 62, An act relative to town appropriations for coasting and skating places.

House Bill No. 129, An act relative to charitable trusts.

House Bill No. 134, An act legalizing certain town meetings in the town of Freedom.

House Bill No. 153, An act relating to fiduciaries.

House Bill No. 160, An act relative to employment preferences for certain widows and wives of veterans.

House Bill No. 403, An act relative to authority of the state treasurer to issue short term notes for the new toll road.

House Bill No. 427, An act to provide for a reorganization plan for the departments and agencies of the state government.

SARA OTIS,
For the Committee.

Bill Recalled From the Governor

On motion of Senator Wiggin the following resolution was adopted:

Resolved, That His Excellency, the Governor, be requested to return to the Senate for further consideration, House Bill No. 144, An act relative to the operation of a motor vehicle transporting inflammable liquids.

On motion of the same senator, the rules were so far suspended, as to allow a reconsideration of the vote on House Bill No. 144, An act relative to the operation of a motor vehicle transporting inflammable liquids.

On motion of the same senator the Senate voted to reconsider the vote whereby the bill passed.

On motion of the same senator the Senate voted to reconsider the vote whereby the bill was ordered to a third reading and the bill was recommitted to the Committee on Transportation.

Permission for use of the Senate Chamber was granted to Senator McMeekin for the Committee on Ways and Means to hold a public hearing on Thursday, March 10 at 1:00 o'clock.

Permission for use of the Senate Chamber was granted to Senator Bingham for the Committee on Public Health to hold a public hearing on Wednesday, March 9 at 1:30 P. M.

Reconsideration .

Senator McMeekin moved that the Senate reconsider its vote whereby Senate Bill No. 37, An act relative to *pari mutuel* at race meets at agricultural fairs was ordered to a third reading.

On a *riva voce* vote the affirmative prevailed.

On motion of Senator McMeekin the above entitled bill was re-committed to the Committee on Ways and Means.

On motion of Senator Spollett the following resolution was adopted:

Resolved, that the rules be so far suspended as to permit all business in order for this afternoon at two o'clock to be made in order at the present time.

Third Readings

The following entitled bills were read a third time and passed:

Senate Bill No. 38, An act pertaining to burning property.

House Bill No. 8, An act relative to labor contracts.

House Bill No. 10, An act relative to the practice of barbering.

House Bill No. 84, An act relative to pensions for school teachers in the city of Dover.

House Bill No. 132, An act to repeal chapter 12 of the Laws of 1830 as amended by chapter 813 of the Laws of 1848 incorporating the trustees of the Pittsfield Academy.

House Bill No. 141, An act relative to suspension or revocation of certificates issued under New Hampshire Aeronautics Act.

House Bill No. 142, An act relative to zoning regulations for certain privately owned airports.

House Bill No. 143, An act relating to liens for storage of aircraft.

House Bill No. 157, An act legalizing the proceedings of the biennial election in the town of Lyman.

House Bill No. 159, An act granting school districts temporary emergency exemption from certain provisions of the municipal bonds statute.

House Bill No. 163, An act relative to the investments of domestic life insurance companies.

House Bill No. 193, An act relating to pupils.

House Bill No. 209, An act relative to form of declarations of candidacy for delegates to the national presidential conventions.

House Bill No. 218, An act relating to the directors of insurance companies.

The question being stated, shall the bill pass?

Senator Daniell rose to a point of personal privilege and spoke briefly in opposition to the passage of the above entitled bill.

On a *viva voce* vote the Chair was in doubt.

President Bass requested a division.

Sixteen senators having voted in the affirmative and two senators having voted in the negative, the affirmative prevailed and the above entitled bill was passed.

House Bill No. 238, An act relative to legal investments of savings banks.

House Bill No. 253, An act relating to parking of motor vehicles.

House Bill No. 254, An act relating to deferred posting by banks.

House Bill No. 362, An act relating to television sets in motor vehicles.

House Bill No. 363, An act relating to brakes on all motor vehicles.

House Bill No. 364, An act relative to spot lamps for motor vehicles.

Introduction of Joint Resolution

Senator Bingham, under a suspension of the rules, sixteen senators actually having voted in favor thereof, introduced the following entitled joint resolution, which was read a first and second time, laid upon the table to be printed, and referred to the Committee on Judiciary:

Senate Joint Resolution No. 10, Joint resolution relating to world government.

On motion of Senator Daniell the following resolution was adopted:

Resolved, That when the Senate adjourns today it be to meet Wednesday morning at 11:00 o'clock.

On motion of Senator Butman the Senate adjourned.

WEDNESDAY, MARCH 9, 1949

The Senate met according to adjournment.

House Message

The following message was received from the House of Representatives, by its Clerk:

Mr. President:

The House of Representatives has passed the following entitled bills, in the passage of which it asks the concurrence of the Honorable Senate:

House Bill No. 40, An act relating to fees for returns of vital statistics.

House Bill No. 91, An act relating to the gross weight of motor vehicles.

House Bill No. 227, An act relating to the practice of embalming and funeral directing.

House Bill No. 249, An act relative to mileage allowance for members of the legislature.

House Bill No. 250, An act relating to the use of the names of natural parents of adopted children in certain cases.

House Bill No. 265, An act relative to recording death certificates.

House Bill No. 266, An act relative to vital statistics forms, and recording records of stillbirths.

House Bill No. 337, An act relating to town officers' associations.

The message further stated that the House of Representatives had voted to concur with the Honorable Senate in the

passage of the following entitled joint resolution, sent down from the Honorable Senate:

Senate Joint Resolution No. 5, Joint resolution establishing a committee to investigate the status of the state sanitarium at Glencliff.

Read and Referred

The following entitled bills, sent up from the House of Representatives, were read a first and second time, and referred:

To the Committee on Public Health:

House Bill No. 40, An act relating to fees for returns of vital statistics.

House Bill No. 227, An act relating to the practice of embalming and funeral directing.

House Bill No. 265, An act relative to recording death certificates.

House Bill No. 266, An act relative to vital statistics forms, and recording records of stillbirths.

To the Committee on Transportation:

House Bill No. 91, An act relating to the gross weight of motor vehicles.

House Bill No. 378, An act relating to binder chains on loads of logs, lumber and timber.

To the Committee on Judiciary:

House Bill No. 250, An act relating to the use of the names of natural parents of adopted children in certain cases.

To the Committee on Ways and Means:

House Bill No. 337, An act relating to town officers' associations.

To the Committee on Finance:

House Bill No. 249, An act relative to mileage allowance for members of the legislature.

Introduction of Bills

Senator Butman, under a suspension of the rules, sixteen senators actually having voted in favor thereof, introduced the following entitled bill, which was read a first and second time, laid upon the table to be printed, and referred to the Committee on Judiciary:

Senate Bill No. 50, An act legalizing the proceedings of the school meeting in the town of Hudson on March 5, 1949.

Senator Butman moved that the rules be suspended, printing and reference to committee be dispensed with, and the above entitled bill be read a third time and passed at the present time.

On a *viva voce* vote the affirmative prevailed, and the above entitled bill was read a third time and passed.

Senator O'Malley, under a suspension of the rules, sixteen senators actually having voted in favor thereof, introduced the following entitled bill, which was read a first and second time, laid upon the table to be printed, and referred to the Committee on Public Health:

Senate Bill No. 51, An act relative to the licensing of practical nurses.

Committee Reports

Senator Burbank, for the Committee on Education, to whom was referred:

Senate Bill No. 8, An act in amendment of the laws relative to the Union School District in Concord.

Having considered the same, reported the same in new draft and recommended its passage.

The report was accepted, and the bill in new draft was read a first and second time, and laid on the table to be printed.

Senator Bingham, for the Committee on Labor, to whom was referred:

House Bill No. 65, An act relative to unemployment compensation benefit liability conditions.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted, and the bill was ordered to a third reading this afternoon at two o'clock.

Senator Nickerson, for the Committee on Agriculture, to whom were referred:

House Bill No. 24, An act relative to town appropriations for poison ivy eradication.

House Bill No. 191, An act relative to definition of concentrated commercial feeding-stuff.

House Bill No. 205, An act relating to the soil conservation committee.

House Bill No. 247, An act relating to the grading and marking of potatoes.

Having considered the same, reported the same without amendment, and recommended their passage.

The reports were accepted, and the bills were ordered to a third reading this afternoon at two o'clock.

Senator Nickerson, for the Committee on Agriculture, to whom was referred:

House Bill No. 158, An act relative to purchase and sale of poultry.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted.

Senator Spollett offered the following amendment which was adopted:

Amend the bill by adding at the end of section 2, the following: "or furnish the commissioner of Agriculture with a declaration to the effect that all poultry purchased by him will be weighed on scales properly sealed by the Department of Weights and Measures," so that said section as amended shall read as follows:

2. *Certificate of Weight.* Amend chapter 199 of the Revised Laws by adding after section 5 the following new section: 5-a. *Requirement.* Before any license or renewal thereof is issued hereunder the applicant shall file with the commissioner a certificate from the commissioner of weights and measures to the effect that the weights to be used in the business for buying and selling live poultry have been inspected and have been found correct or furnish the commissioner of Agriculture with a declaration to the effect that all poultry purchased by him will be weighed on scales properly sealed by the Department of Weights and Measures.

The bill as amended was ordered to a third reading this afternoon at two o'clock.

Senator Otis, for the Committee on Engrossed Bills, to whom was referred:

House Bill No. 60, An act relative to state fish and game refuges.

Having considered the same, reported the same, under Joint Rule No. 6, with the following amendment, and recommended that the bill as amended, ought to pass:

Amend section 3 of said bill by striking out the first three lines and inserting in place thereof the following:

3. *Special Regulations.* Amend section 14 of chapter 246 of the Revised Laws by adding after the word "refuge" in the first line the words, except as may be permitted under section 12-c, so that said section as amended shall read as follows: 14. *Penalty.* Any person found upon

The report was accepted, amendment adopted, and the bill as amended was sent to the House of Representatives for concurrence in Senate amendment.

Senator Otis, for the Committee on Engrossed Bills, to whom was referred:

House Bill No. 96, An act relating to interest on delinquent taxes.

Having considered the same, reported the same, under Joint Rule No. 6, with the following amendment, and recommended that the bill as amended, ought to pass.

Amend said bill by striking out all after section 1 and inserting in place thereof the following:

2. *Proceedings.* Amend section 27 of chapter 80 of the Revised Laws as amended by section 2, chapter 55 of the Laws of 1943, by striking out the word "ten" in the sixth line and inserting in place thereof the word, eight, so that said section as amended shall read as follows: 27. *Redemption.* Any person interested in land so sold may redeem the same by paying or tendering to the collector, or in his absence, at his usual place of abode, at any time before a deed thereof is given by the collector, the amount for which the land was sold, together with costs for notifying mortgagees, if any, and with eight per cent interest upon the whole amount from the time of sale to the time of payment or tender, together with redemption costs incurred. In case the tax collector who sold the property in question shall have died, become incapacitated, been removed from office or removed from the town or city or shall have been discharged from his bond by the selectmen or assessors, then

the person interested in redeeming the property may tender the aforesaid sums to the tax collector then in office of said city or town; and upon advice from the selectmen or assessors that the amount tendered is the correct amount due, the said tax collector shall accept said amount for the redemption of said property.

3. *Rate of Interest.* Amend section 30 of chapter 80 of the Revised Laws as amended by section 3, chapter 55 of the Laws of 1943 and section 2, chapter 187 of the Laws of 1947, by striking out the word "ten" in the fifteenth line and inserting in place thereof the word, "eight," so that said section as amended shall read as follows: 30. *Record of Payment.* The purchaser of land at any tax sale may pay to the collector any tax assessed upon the land subsequent to that for which it was sold, and the collector shall, within fifteen days after such payment, notify the register of deeds thereof, giving the date and the amount of such payment and the name of the person so paying. In said notice the collector shall also give the date of the tax sale, the name of the person taxed and a description of the property sold, all as given in the report of said sale to the registry of deeds. The collector shall at the same time send a like notice, by registered mail, to the mortgagee or mortgagees, if there be any. The notice to the register of deeds, when recorded, shall constitute an additional lien upon the real estate. Any amounts so paid on account of subsequent taxes, together with interest thereon at the rate of eight per cent per year from date of such payment shall, in addition to the purchase price at time of sale, with accrued interest and costs, be paid by the person making redemption. For every such notice sent to the register of deeds the collector forwarding the same shall be entitled to a fee of twenty-five cents and the register of deeds shall be paid a like fee for recording the same. For notice to a mortgagee of such payment after sale, the collector shall be entitled to a fee of fifty cents and the costs of sending such notice by registered mail. The fees and costs of notifying the register of deeds and the mortgagee and of recording such notices, if there be any, shall be added to the amount of the undischarged lien and shall be collectible when redemption is made.

4. *Takes Effect.* This act shall take effect upon its passage.

The report was accepted, amendment adopted, and the bill as amended was sent to the House of Representatives for concurrence in Senate amendment.

Senator Otis, for the Committee on Engrossed Bills, to whom was referred:

House Bill No. 132, An act to repeal Chapter 12 of the Laws of 1830 as amended by Chapter 813 of the Laws of 1848 incorporating the trustees of the Pittsfield Academy.

Having considered the same, reported the same, under Joint Rule No. 6, with the following amendment, and recommended that the bill as amended, ought to pass:

Amend the title of said bill by striking out the same, and inserting in place thereof the following:

An act repealing the charter of the trustees of Pittsfield Academy.

Amend said bill by striking out the word "section" where it occurs in the first, sixth and fourteenth lines of said bill.

The report was accepted, amendment adopted, and the bill as amended was sent to the House of Representatives for concurrence in Senate amendment.

Senator Otis, for the Committee on Engrossed Bills, to whom was referred:

House Bill No. 254, An act relating to deferred posting by banks.

Having considered the same, reported the same, under Joint Rule No. 6, with the following amendment and recommended that the bill as amended ought to pass:

Amend section 1 of said bill by striking out the first two lines and inserting in place thereof the following:

1. *Banks.* Amend chapter 312 of the Revised Laws by inserting at the end thereof the following new subdivisions:

Further amend said bill by striking out the word "act" where it occurs in section 1 and inserting in place thereof the word, subdivision.

The report was accepted, amendment adopted, and the bill as amended was sent to the House of Representatives for concurrence in Senate amendment.

Senator Otis, for the Committee on Engrossed Bills, to whom was referred:

House Bill No. 363, An act relating to brakes on all motor vehicles.

Having considered the same, reported the same, under Joint Rule No. 6, with the following amendment and recommended that the bill as amended ought to pass.

Amend section 1 of said bill by striking out the figure "5" in the second line and inserting in place thereof the figure, 4, and by striking out in the same line the figure "5-a" and inserting in place thereof the figure, 4-a.

The report was accepted, amendment adopted, and the bill as amended was sent to the House of Representatives for concurrence in Senate amendment.

Senator Otis, for the Committee on Engrossed Bills, to whom was referred:

House Bill No. 10, An act relative to the practice of barbering.

Having considered the same, reported the same, under Joint Rule No. 6, with the following amendment and recommended that the bill as amended ought to pass.

Amend the title of said bill by striking out the same and inserting in place thereof the following: An act providing for approved barber schools.

The report was accepted, amendment adopted, and the bill as amended was sent to the House of Representatives for concurrence in Senate amendment.

Bills Engrossed

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled bills and joint resolution:

Senate Joint Resolution No. 5, Joint resolution establishing a committee to investigate the status of the state sanitarium at Glencliff.

House Bill No. 8, An act relative to labor contracts.

House Bill No. 19, An act relating to incompatibility of town offices.

House Bill No. 33, An act relative to police powers of conservation officers.

House Bill No. 84, An act relative to pensions for school teachers in the city of Dover.

House Bill No. 118, An act relating to cemetery records.

House Bill No. 142, An act relative to zoning regulations for certain privately owned airports.

House Bill No. 143, An act relating to liens for storage of aircraft.

House Bill No. 154, An act providing for the appointment of temporary guardians.

House Bill No. 157, An act legalizing the proceedings of the biennial election in the town of Lyman.

House Bill No. 159, An act granting school districts temporary emergency exemption from certain provisions of the municipal bonds statute.

House Bill No. 209, An act relative to form of declarations of candidacy for delegates to the national presidential conventions.

House Bill No. 218, An act relating to the directors of insurance companies.

House Bill No. 238, An act relative to legal investments of savings banks.

House Bill No. 362, An act relating to television sets in motor vehicles.

House Bill No. 364, An act relative to spot lamps for motor vehicles.

SARA E. OTIS,
For the Committee.

Senator Wiggin, under a suspension of the rules, introduced a Committee of Conference report not previously advertised in the Journal.

Committee of Conference Report

The Committee of Conference, to whom was referred:

House Bill No. 75, An act regulating the height of vehicles carrying lumber, logs, and timber, reported the same with the recommendation that the House recede from its position of non-concurrence and adopt the amendment send down by the Senate.

GEORGE A. MYHAVER,
SHIRLEY A. MARDEN,
JOSEPH ROUKEY,
Conferees on the part of the House.

RALPH M. WIGGIN,
ERWIN E. CUMMINGS,
Conferees on the part of the Senate.

Recalled from the Governor

On motion of Senator Wiggin the following resolution was adopted:

Resolved, That his Excellency, the Governor, be requested to return to the Senate for further consideration, House Bill No. 253, An act relating to parking of motor vehicles.

On motion of the same senator, the rules were suspended to allow a reconsideration of the vote on House Bill No. 253, An act relating to parking of motor vehicles.

On motion of the same senator the Senate voted to reconsider its vote whereby the bill passed.

On motion of the same senator the Senate voted to reconsider its vote whereby the bill was ordered to a third reading.

On motion of the same senator the Senate voted to recommit the bill to the Committee on Transportation.

Permission for use of the Senate Chamber was granted to Senator Reinhart for the Youth Government Program of the Y.M.C.A. on Friday and Saturday, April 22nd and 23rd.

On motion of Senator Spollett, the rules were so far suspended as to permit all business in order for this afternoon at two o'clock to be made in order at the present time.

Third Readings

The following entitled bills were read a third time and passed:

House Bill No. 24, An act relative to town appropriations for poison ivy eradication.

House Bill No. 65, An act relative to unemployment compensation benefit liability conditions.

House Bill No. 158, An act relative to purchase and sale of poultry.

House Bill No. 191, An act relative to definition of concentrated commercial feeding-stuff.

House Bill No. 205, An act relating to the soil conservation committee.

House Bill No. 247, An act relating to the grading and marking of potatoes.

On motion of Senator Butman the Senate adjourned.

THURSDAY, MARCH 10, 1949

The Senate met according to adjournment.

House Message

The following message was received from the House of Representatives, by its Clerk:

Mr. President:

The House of Representatives has passed the following entitled bills, in the passage of which it asks the concurrence of the Honorable Senate:

House Bill No. 120, An act relating to investments of trustees.

House Bill No. 177, An act relating to zoning in towns.

House Bill No. 192, An act authorizing the town of Belmont to issue notes or bonds for water system.

House Bill No. 224, An act relative to allegations of misconduct in divorce proceedings.

House Bill No. 240, An act in relation to marriages.

House Bill No. 374, An act relating to the purchase of milk or cream for resale or manufacture.

House Bill No. 380, An act relative to competitive bidding for county purchases.

House Bill No. 396, An act relating to checklists in the city of Berlin.

House Bill No. 410, An act changing the name of Peoples' Building and Loan Association of Rochester to Peoples' Co-operative Savings Bank of Rochester.

The message further stated that the House of Representatives had voted to adopt the amendments offered by the Committee on Engrossed Bills to the following House bills, in the adoption of which amendments the House of Representatives asked the concurrence of the Honorable Senate:

House Bill No. 47, An act relating to obtaining transportation by fraud.

Amend section 1 of said bill by striking out the first four lines and inserting in place thereof the following:

1. *Transportation by Fraud.* Amend section 7 of chapter 450 of the Revised Laws by striking out said section and inserting in place thereof the following: 7. *Obtaining Transportation.* If any person, with

On a *viva voce* vote the Senate voted to concur in the amendment offered by the Committee on Engrossed Bills, sent up from the House of Representatives.

House Bill No. 149, An act relating to the lien for sewer assessments and sewer rentals.

Amend section 2 of said bill by striking out the first three lines and inserting in place thereof the following:

2. *Cities.* Amend section 15, part 22 of chapter 90, Revised Laws, as inserted by chapter 188, Laws of 1945, by striking out the word "June" and inserting in place thereof the word, October, so that said section as amended shall read as follows: 15. *Installments.*

On a *viva voce* vote the Senate voted to concur in the amendment offered by the Committee on Engrossed Bills, sent up from the House of Representatives.

House Bill No. 161, An act relative to bonds on public works.

Amend section 1 of said bill by striking out the first seven lines and inserting in place thereof the following:

1. *Bonds on Public Works.* Amend section 26 of chapter 264 of the Revised Laws, as amended by section 1, chapter 182, Laws of 1943, by striking out said section and inserting in place thereof the following: 26. *Bond Required.* Officers, public boards, agents

On a *viva voce* vote the Senate voted to concur in the amendment offered by the Committee on Engrossed Bills, sent up from the House of Representatives.

The message further stated that the House of Representatives had voted to adopt the report of the Committee of Conference on House Bill No. 75, An act regulating the height of vehicles carrying lumber, logs and timber.

Read and Referred

The following entitled bills, sent up from the House of Representatives, were read a first and second time, and referred:

To the Committee on Judiciary:

House Bill No. 120, An act relating to investments of trustees.

House Bill No. 224, An act relative to allegations of misconduct in divorce proceedings.

House Bill No. 240, An act in relation to marriages.

House Bill No. 396, An act relating to checklists in the city of Berlin.

To the Committee on Ways and Means:

House Bill No. 177, An act relating to zoning in towns.

House Bill No. 192, An act authorizing the town of Belmont to issue notes or bonds for water system.

House Bill No. 380, An act relative to competitive bidding for county purchases.

To the Committee on Agriculture:

House Bill No. 374, An act relating to the purchase of milk or cream for resale or manufacture.

To the Committee on Banks and Insurance:

House Bill No. 410, An act changing the name of Peoples' Building and Loan Association of Rochester to Peoples' Co-operative Savings Bank of Rochester.

Introduction of Bills and Joint Resolutions

Senator Wiggin, under a suspension of the rules, sixteen senators actually having voted in favor thereof, introduced the following entitled joint resolution, which was read a first and second time, laid upon the table to be printed, and referred to the Committee on Public Works:

Senate Joint Resolution No. 11, Joint resolution concerning a bridge in the town of Warner.

Senator E. Cummings, under a suspension of the rules, sixteen senators actually having voted in favor thereof, introduced the following entitled bill, which was read a first and second time, laid upon the table to be printed, and referred to the Committee on Ways and Means:

Senate Bill No. 52, An act legalizing school district meeting in the town of Lyndeboro held on March, 1949.

Senator Cummings moved that the rules be suspended, printing and reference to committee be dispensed with, and the above entitled bill be put on its third reading and final passage at the present time.

(Discussion ensued)

The Clerk read the bill in full to the Senate.

Senator Cummings withdrew his motion, and the above entitled bill was referred to the Committee on Ways and Means.

Senator Pierce, under a suspension of the rules, sixteen senators actually having voted in favor thereof, introduced the following entitled bill which was read a first and second time, laid on the table to be printed, and referred to the Committee on Banks and Insurance.

Senate Bill No. 53, An act relative to limitation on amount of fraternal benefit society payments.

Committee Reports

Senator O'Malley, for the Committee on Finance, to whom were referred:

Senate Joint Resolution No. 2, Joint resolution to establish an interim commission to study the laws of the state pertaining to public utilities.

Senate Joint Resolution No. 9, Joint resolution relative to the estate of D. Salmon Whitcomb.

Having considered the same, reported the same without amendment and recommended their passage.

The reports were accepted, and the joint resolutions were ordered to a third reading this afternoon at two o'clock.

Senator O'Malley, for the Committee on Finance, to whom was referred:

Senate Joint Resolution No. 4, Joint resolution in favor of Ruth D. Hier.

Having considered the same, reported the same with the following resolution:

Resolved, That it is inexpedient to legislate.

The report was accepted, and the resolution offered by the committee was adopted.

Senator Caron, for the Committee on Public Health, to whom were referred:

House Bill No. 52, An act relative to leasing sewage facilities.

House Bill No. 37, An act relating to debt limitations as a result of certain required installations of sewerage systems or treatment plants.

Having considered the same, reported the same without amendment and recommended their passage.

The reports were accepted, and the bills were ordered to a third reading this afternoon at two o'clock.

Senator Wiggin, for the Committee on Fisheries and Game, Forestry and Recreation, to whom were referred:

House Bill No. 31, An act relative to penalty for hunting while intoxicated.

House Bill No. 51, An act relating to proclamation prohibiting smoking or building fires near woodland.

House Bill No. 220, An act relative to registration of saw mills.

House Bill No. 281, An act relative to suspension of fish and game licenses.

House Bill No. 352, An act relative to taking fish from lakes and ponds partly in another state.

House Bill No. 108, An act changing the name of Todd Pond in the towns of Newbury and Bradford.

Having considered the same, reported the same without amendment, and recommended their passage.

The reports were accepted, and the bills were ordered to a third reading this afternoon at two o'clock.

Senator Wiggin, for the Committee on Fisheries and Game, Forestry and Recreation, to whom was referred:

House Bill No. 173, An act naming the Moosilauke Trail.

Having considered the same, reported the same with the following amendment, and recommended that the bill as amended, ought to pass:

Amend the title of the bill by striking out the word Trail and substituting therefor the word "Road."

Further amend said bill by striking out in the 9th line of section 1 the word trail and substituting in place thereof the word "road," so that said section as amended shall read as follows:

1. *Highway Named.* The New Hampshire highway described as follows: Beginning at the intersection of the Daniel Webster Highway in the village of Plymouth with the so-called route 25, thence running by said route 25 through the Baker river valley and Oliverian valley and notch over the old Indian route to the Dartmouth College Highway (route 10) in the town of Haverhill in the Connecticut Valley, touching the following towns, Plymouth, Rumney, Wentworth, Warren, Benton and Haverhill, is hereby given the name of The Moosilauke Road. The Governor and council are authorized and directed to do all things necessary to suitably mark and designate the highway herein named.

The report was accepted, amendment adopted, and the bill as amended was ordered to a third reading this afternoon at two o'clock.

Senator Wiggin, for the Committee on Fisheries and Game, Forestry and Recreation, to whom was referred:

House Bill No. 48, An act relating to the apportionment of expenses for municipalities in fighting forest fires.

Having considered the same, reported the same with the following amendment, and recommended that the bill as amended, ought to pass:

Amend section 1 of the bill by striking out the whole of said section and inserting in place thereof, the following:

1. *Expenses of Municipalities.* Amend section 24 of chapter 233 of the Revised Laws by striking out the words, "total assessed" in the tenth line thereof and inserting in place thereof the words, equalized locally assessed, so that said section as amended shall read as follow: 24. *Apportionment.* The expenses of fighting forest and brush fires in towns, and other expenses lawfully incurred by wardens and deputy wardens of said towns in preventing forest fires, shall be borne equally by the municipality and the state, except as otherwise herein provided, and except that when in any one town or city fiscal year the net total of sums required for the suppression and prevention of forest and brush fires, excluding the initial

cost of fire-fighting equipment, to be so borne by such municipality, computed at rates within limits established by the forestry and recreation commission and the state forester, shall equal one-half of one per cent of the last equalized locally assessed valuation on such municipality; expenses incurred in excess of such sum shall be borne entirely by the state on the basis of the rate limits above specified.

The report was accepted, amendment adopted, and the bill as amended was ordered to a third reading this afternoon at two o'clock.

Senator Wiggin, for the Committee on Fisheries and Game, Forestry and Recreation, to whom was referred:

House Bill No. 350, An act relating to changing the name of Long Pond in Hollis.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted.

On motion of Senator Noel the above entitled bill was re-committed to the Committee on Fisheries and Game, and Forestry and Recreation for further consideration.

Senator Lalumiere, for the Committee on Public Welfare, to whom was referred:

Senate Joint Resolution No. 7, Joint resolution providing for a committee to study hospital care and rates.

Having considered the same, reported the same without amendment and recommended its passage.

The report was accepted and the above entitled joint resolution was referred to the Committee on Finance under the rules.

Senator Spollett, for the Committee on Public Works, to whom were referred:

Senate Bill No. 32, An act naming the Horace Greeley Highway.

Senate Bill No. 40, An act authorizing the Penacook and Boscawen Water Precinct to issue notes or bonds for water system.

House Bill No. 165, An act relative to notice to director before water is drawn down in certain cases.

Having considered the same, reported the same without amendment and recommended their passage.

The reports were accepted, and the bill were ordered to a third reading this afternoon at two o'clock.

Senator Spollett, for the Committee on Public Works, to whom was referred:

Senate Joint Resolution No. 1, Joint resolution respecting the height of Wilder Dam.

Having considered the same, reported the same without amendment and recommended its passage.

The report was accepted.

Senator Dole moved that the words "inexpedient to legislate" to substituted for the words "ought to pass" on the committee report.

(Discussion ensued)

The question being, Shall the words "inexpedient to legislate" be substituted for the words, "ought to pass"?

Senator McMeekin demanded a roll call.

The Clerk proceeded to call the roll.

Roll Call

The following named senators voted in the affirmative: Senators Hayes, C. Cummings, Nickerson, Dole, Tarlson, Daniell, Brunel, Pierce, Noel, Wiggin, Otis, Caron, O'Malley, Lalumiere, Burbank, Hartnett, Butman and Reinhart.

The following named senators voted in the negative: Senators McMeekin, Ainsworth, E. Cummings, Bingham, and Spollett.

Eighteen senators having voted in the affirmative and five senators having voted in the negative, the affirmative prevailed and the words "inexpedient to legislate" were substituted.

Question being on the adoption of the recommendation, inexpedient to legislate.

Senator Bingham moved that the bill, with the accompanying report, be recommitted to the Committee on Public Works for further consideration.

(Discussion ensued)

On a *viva voce* vote the negative prevailed, and the motion to recommit was lost, and the report of the committee "inexpedient to legislate" was adopted.

Bill Engrossed

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled bill:

House Bill No. 163, An act relative to the investments of domestic life insurance companies.

SARA E. OTIS,
For the Committee.

On motion of Senator Spollett the following resolution was adopted:

Resolved, That the rules be so far suspended as to permit all business in order for this afternoon at two o'clock to be made in order at the present time.

Third Readings

The following entitled bills and joint resolutions were read a third time and passed:

Senate Joint Resolution No. 2, Joint resolution to establish an interim commission to study the laws of the state pertaining to public utilities.

Senate Joint Resolution No. 9, Joint resolution relative to the estate of D. Salmon Whitcomb.

Senate Bill No. 32, An act naming the Horace Greeley Highway.

Senate Bill No. 40, An act authorizing the Penacook and Boscawen Water Precinct to issue notes or bonds for water system.

House Bill No. 31, An act relative to penalty for hunting while intoxicated.

House Bill No. 37, An act relating to debt limitations as a result of certain required installations of sewerage systems or treatment plants.

House Bill No. 51, An act relating to proclamation prohibiting smoking or building fires near woodland.

House Bill No. 52, An act relative to leasing sewage facilities.

House Bill No. 108, An act changing the name of Todd Pond in the towns of Newbury and Bradford.

House Bill No. 165, An act relative to notice to director before water is drawn down in certain cases.

House Bill No. 220, An act relative to registration of saw mills.

House Bill No. 281, An act relative to suspension of fish and game licenses.

House Bill No. 352, An act relative to taking fish from lakes and ponds partly in another state.

Permission for use of the Senate Chamber was granted Senator Reinhart for the Committee on Judiciary for a public hearing on Tuesday, March 15, at 1:30 P. M.

Permission for use of the Senate Chamber was granted to Senator Brunel for the Committee on Public Health for a public hearing on Wednesday, March 16, at 1:30 P. M.

On motion of Senator Butman the Senate adjourned.

FRIDAY, MARCH 11, 1949

The Senate met according to adjournment.

Leaves of Absence

Senators Hartnett and Reinhart were granted leaves of absence on account of important business.

House Message

The following message was received from the House of Representatives, by its Clerk:

Mr. President:

The House of Representatives has passed the following entitled bills and joint resolution, in the passage of which it asks the concurrence of the Honorable Senate:

House Bill No. 45, An act relating to method of payment for forest fire expenses.

House Bill No. 289, An act relative to exemptions from attachment.

House Bill No. 372, An act designating Route No. 4 and the new toll road connecting Route No. 1 in Maine with Route No. 1 in Massachusetts as the Blue Star Memorial Highway.

House Bill No. 382, An act legalizing the school meeting in the town of South Hampton.

House Joint Resolution No. 25, Joint resolution in favor of the estate of John H. McShea, Sr.

The message further stated that the House of Representatives has voted to concur with the Honorable Senate in its amendments to the following entitled bill:

House Bill No. 158, An act relative to purchase and sale of poultry.

The message further stated that the House of Representatives had voted to concur with the Honorable Senate in its adoption of the amendments offered by the Committee on Engrossed Bills to the following entitled bills:

House Bill No. 10, An act relative to the practice of barbering.

House Bill No. 132, An act to repeal chapter 12 of the Laws of 1830 as amended by chapter 813 of the Laws of 1848 incorporating the trustees of the Pittsfield Academy.

House Bill No. 60, An act relative to fish and game refuges.

House Bill No. 254, An act relating to deferred posting by banks.

House Bill No. 96, An act relating to interest on delinquent taxes.

House Bill No. 363, An act relating to brakes on all motor vehicles.

Read and Referred

The following entitled bills, sent up from the House of Representatives, were read a first and second time and referred:

To the Committee on Fisheries and Game:

House Bill No. 45, An act relating to method of payment for forest fire expenses.

To the Committee on Judiciary:

House Bill No. 289, An act relative to exemption from attachment.

To the Committee on Public Works:

House Bill No. 372, An act designating Route No. 4 and the new toll road connecting Route No. 1 in Maine with Route No. 1 in Massachusetts as the Blue Star Memorial Highway.

To the Committee on Ways and Means:

House Bill No. 382, An act legalizing the school meeting in the town of South Hampton.

To the Committee on Finance:

House Joint Resolution No. 25, Joint resolution in favor of the estate of John H. McShea, Sr.

Introduction of Bills

Senator Butman, under a suspension of the rules, sixteen senators actually having voted in favor thereof, introduced the following entitled bill, which was read a first and second time, laid upon the table to be printed, and referred to the Committee on Transportation:

Senate Bill No. 54, An act relative to equipment on motor vehicles.

Senator Pierce, under a suspension of the rules, sixteen senators actually having voted in favor thereof, introduced the following entitled bill, which was read a first and second time, laid upon the table to be printed, and referred to the Committee on Banks and Insurance:

Senate Bill No. 55, An act relating to motor vehicle financial responsibility.

Senator Nickerson, under a suspension of the rules, sixteen senators actually having voted in favor thereof, introduced the following entitled bill, which was read a first and second time, laid upon the table to be printed, and referred to the Committee on Judiciary:

Senate Bill No. 56, An act relative to the validation of certain instruments of conveyance.

Senator Brunel, under a suspension of the rules, sixteen senators actually having voted in favor thereof, introduced the following entitled bill, which was read a first and second time, laid upon the table to be printed, and referred to the Committee on Ways and Means:

Senate Bill No. 57, An act amending the charter of the city of Concord.

Committee Reports

Senator Bingham, for the Committee on Judiciary, to whom was referred:

House Bill No. 334, An act relative to the salary of the mayor of Somersworth.

Having considered the same, reported the same without amendment and recommended its passage:

The report was accepted, and the bill was ordered to a third reading this afternoon at two o'clock.

Senator Bingham, for the Committee on Judiciary, to whom was referred:

House Bill No. 36, An act relating to registration of foreign corporations.

Having considered the same, reported the same with the following amendment and recommended that the bill as amended, ought to pass:

Amend Revised Laws, Chapter 280, as amended by this act, by striking out the first paragraph of section 1 of chapter 280, as amended, and substitute in place thereof the following:

1. *Fee; Appointment of Agent.* Every foreign corporation (except foreign insurance companies, to whom this chapter shall not apply, and except corporations otherwise specifically required to register with and consent to service of process upon a state official) desiring to do business in this state, shall pay a registration fee of twenty-five dollars and shall pay an annual maintenance fee of twenty-five dollars payable to the secretary of state on the first business day of January following the date of registration and on the first business day of each January thereafter, and continuously maintain in this state

Further amend by adding thereto new sub-sections (c) and (d) as follows:

(c) Any designation of the secretary of state as agent under sub-section (b) shall be effective only if accompanied by the payment to said secretary of an agency fee of twenty-five dollars, and shall remain effective only if a similar fee is paid to said secretary on the first business day of January of each succeeding year.

(d) The Secretary of State shall in December each year, notify all corporations registered hereunder of the fees to become due hereunder on the first business day of the January following; and shall in April notify all corporations who may have failed to pay the fees required hereunder; so that said section as amended shall read as follows:

1. *Fee: Appointment of Agent.* Every foreign corporation (except foreign insurance companies, to whom this chapter shall not apply, and except corporations otherwise specifically required to register with and consent to service of process upon a state official) desiring to do business in this state, shall pay a registration fee of twenty-five dollars and shall pay an annual maintenance fee of twenty-five dollars payable to the secretary of state on the first business day of January following the date of registration and on the first business day of each January thereafter, and continuously maintain in this state

(a) A registered office which may or may not be the same as its place of business in this state; and

(b) a registered agent, which agent may be the secretary of state and his successor or successors in office or an individual resident in or a corporation authorized to do business and act as such agent in this state, whose office is identical with such registered office.

(c) Any designation of the secretary of state as agent under sub-section (b) shall be effective only if accompanied by the payment to said secretary of an agency fee of twenty-five dollars, and shall remain effective only if a similar fee is paid to said secretary on the first business day of January of each succeeding year.

(d) The secretary of state shall in December each year, notify all corporations registered hereunder of the fees to become due hereunder on the first business day of the January following; and shall in April notify all corporations who may have failed to pay the fees required hereunder;

Further amend sub-section (c) of section 2 by inserting in line 5 thereof, after the word "effect" the following: On compliance with the provisions of this section, the secretary of state shall forthwith issue a certificate of authority to do business in this state; so that said sub-section as amended shall read as follows:

(c) a true copy of the vote authorizing the application and registration of an office and agent in this state, certified under the seal of the corporation by its clerk or secretary or assistant clerk or assistant secretary, which certificate shall show that said vote has not been revoked and is in full force and effect. On compliance with the provisions of this section, the secretary of state shall forthwith issue a certificate of authority to do business in this state. Copies of applications and all certified copies of votes so filed, certified by the secretary of state, shall be sufficient evidence thereof.

Further amend sub-section (d) of section 6 by striking out the words "in this" in line 3 thereof and substituting therefor the words, within or without the; so that said sub-section as amended shall read as follows:

(d) that it revokes the authority to make service of process on its then registered agent and consents that service of process in any suit, action or proceeding based upon any cause or action arising within or without the state prior to the effective date of the withdrawal may thereafter be made on such corporation by service thereof on the secretary of state; and shall be accompanied by

The report was accepted, and the accompanying amendment were laid on the table to be printed in the Journal.

Senator Noel, for the Committee on Ways and Means, to whom were referred:

Senate Bill No. 43, An act authorizing the town of Bethlehem to purchase certain property and issue serial notes in payment thereof and legalizing the town meeting held on March 14, 1944.

House Bill No. 117, An act increasing the salaries of the commissioners of Coos county.

House Bill No. 405, An act relative to destruction of papers of the health department.

Having considered the same, reported the same without amendment and recommended their passage.

The reports were accepted, and the bills were ordered to a third reading this afternoon at two o'clock.

Senator Lalumiere, for the Committee on Public Welfare and State Institutions, to whom were referred:

Senate Bill No. 36, An act relative to the Peterborough Home for the aged.

House Bill No. 169, An act relating to voluntary commitment of patients to the state hospital.

House Bill No. 181, An act relative to the Gafney Home for the aged.

Having considered the same, reported the same without amendment and recommended their passage.

The reports were accepted, and the bills were ordered to a third reading this afternoon at two o'clock.

Taken from the Table

Senate Bill No. 8, in new draft, An act in amendment to the laws relative to the Union School District in Concord, taken from the table.

The question being stated, Shall the bill be read a third time?

On a *viva voce* vote the affirmative prevailed, and the above entitled bill was ordered to a third reading this afternoon at two o'clock.

Bills Engrossed

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled bills:

House Bill No. 10, An act providing for approved barber schools.

House Bill No. 24, An act relative to town appropriations for poison ivy eradication.

House Bill No. 60, An act relative to state fish and game refuges.

House Bill No. 96, An act relating to interest on delinquent taxes.

House Bill No. 132, An act repealing the charter of the trustees of the Pittsfield Academy.

House Bill No. 191, An act relative to definition of concentrated commercial feeding-stuff.

House Bill No. 205, An act relating to the soil conservation committee.

House Bill No. 247, An act relating to the grading and marking of potatoes.

House Bill No. 254, An act relating to deferred posting by banks.

SARA E. OTIS,
For the Committee.

On motion of Senator Spollett the following resolution was adopted:

Resolved, That the rules be so far suspended as to permit all business in order for this afternoon at two o'clock to be made in order at the present time.

Third Readings

The following entitled bills were read a third time and passed:

Senate Bill No. 43, An act authorizing the town of Bethlehem to purchase certain property and issue serial notes in payment thereof and legalizing the town meeting held on March 14, 1944.

House Bill No. 117, An act increasing the salaries of the commissioners of Coos county.

House Bill No. 169, An act relating to voluntary commitment of patients to the state hospital.

House Bill No. 181, An act relative to the Gafney Home for the aged. .

House Bill No. 334, An act relative to the salary of the mayor of Somersworth.

House Bill No. 405, An act relative to destruction of papers of the health department.

Senate Bill No. 8, An act in amendment of the laws relative to the Union School District in Concord.
act relating to registration of foreign corporations, was taken from the table.

On motion of Senator Tarlson the following resolution was adopted:

Resolved, That when the Senate adjourns today it be to meet Tuesday morning at 11:00 o'clock.

On motion of Senator Noel the Senate adjourned.

TUESDAY, MARCH 15, 1949

The Senate met according to adjournment.

House Message

The following message was received from the House of Representatives, by its Clerk:

Mr. President:

The House of Representatives has passed the following entitled bills, in the passage of which it asks the concurrence of the Honorable Senate:

House Bill No. 319, An act relating to neglect of husband or father to support wife and children, and neglect of mother.

House Bill No. 329, An act amending the charter of the city of Dover.

House Bill No. 336, An act relating to payment of poll taxes.

House Bill No. 356, An act to legalize the town meeting of Lisbon.

House Bill No. 360, An act relating to certain tax exemption to citizens who fought with allies of the United States.

House Bill No. 370, An act relative to insurance rating organizations.

House Bill No. 371, An act relative to the payment of municipal bonds and notes.

House Bill No. 417, An act relative to taxation on property.

The message further stated that the House of Representatives had voted to concur with the Honorable Senate in the passage of the following entitled bill, sent down from the Honorable Senate.

Senate Bill No. 22, An act relating to stenographers for probate court.

The message further stated that the House of Representatives concurs with the Honorable Senate in the passage of the following entitled bills, with amendments, in the passage of which amendments the House of Representatives asks the concurrence of the Honorable Senate:

Senate Bill No. 11, An act relative to use of town road aid of the Class IV highway.

Amend said bill by inserting after section 1 the following new section:

2. *Application of Statutes.* Amend section 7, part 2 of chapter 90 of the Revised Laws as inserted by chapter 188 of the Laws of 1945 by adding at the end of said section the words, except as may be authorized by section 1-a, part 13, of this chapter, so that said section as amended shall read as follows: 7. *Class IV Compact Section Highways.* All Class IV highways shall be wholly constructed, reconstructed, and maintained by the city or town in which they are located, and no state funds shall be expended thereon except as may be authorized by section 1-a, part 13 of this chapter.

Further amend said bill by renumbering section 2 to read section 3.

On motion of Senator Wiggin the Senate voted to concur in the amendment to the above entitled bill, sent up from the House of Representatives.

Senate Bill No. 20, An act relative to auditing accounts of agricultural fairs.

Amend section 2 of the bill by striking out in the nineteenth and twentieth lines the words, "and he may make such use thereof and disclose such portion of any such report as he may deem proper", and insert in place thereof the words, and shall be available to the public, so that said section as amended shall read as follows:

2. *Accounts.* Amend chapter 171 of the Revised Laws by inserting after section 18 the following new sections: 18-a. *Rules and Regulations.* The commissioner of agriculture shall make such reasonable rules and regulations relative to the reports of premiums as he may deem necessary to enable him to determine the pro rata distributions to be made of the sums hereinbefore provided. 18-b. *Audit by Tax Commission.* The tax commission shall annually at the cost and expense of each such fair audit all accounts of fairs receiving money under the provisions of this chapter, with the exception of pari mutuel accounts, and the report of each such audit, when completed, shall be submitted to the president, treasurer and clerk of each fair so audited. The audit of the pari mutuel receipts made under the authority of section 21 of chapter 171 of the Revised Laws as it applies to agricultural fairs, shall be made

within thirty days and the state racing commission shall make such audits available to the state tax commission. 18-c. *Report of Audit*. A report of such each audit shall be made to the commissioner of agriculture by the tax commission and shall be available to the public. 18-d. *Keeping Books of Record*. Each such fair shall use the calendar year as its fiscal year and shall keep such books, records and reports of its fiscal officers and follow such reasonable accounting methods as may be, from time to time, prescribed by the tax commission which is hereby authorized to require the production of all such books, records, vouchers and other papers and documents as will enable it to make a full, accurate and complete audit. All such records shall be preserved for three years following the date of said audit. 18-e. *Failure to Keep Accounts*. The failure to keep such books, records and papers and follow such approved methods shall be considered sufficient cause for the commissioner of agriculture to withhold the distribution of funds provided for hereunder to the fair or fairs otherwise entitled thereto until such books, records and papers are made available for audit and such audit made. Any funds remaining in the hands of the commissioners of agriculture which are not distributed because of continued failure to comply with the provisions of section 18-d, shall be distributed after a period of one year, to the fairs which complied with the provisions of said section for the year in question.

On motion of Senator Spollett the Senate voted to concur in the amendment to the above entitled bill sent up from the House of Representatives.

Read and Referred

The following entitled bills, sent up from the House of Representatives, were read a first and second time, and referred:

To the Committee on Public Welfare and State Institutions:

House Bill No. 319, An act relating to neglect of husband or father to support wife and children, and neglect of mother.

To the Committee on Judiciary:

House Bill No. 329, An act amending the charter of the city of Dover.

To the Committee on Ways and Means:

House Bill No. 336, An act relating to payment of poll taxes.

House Bill No. 356, An act to legalize the town meeting of Lisbon.

House Bill No. 371, An act relative to the payment of municipal bonds and notes.

To the Committee on Military and Veterans' Affairs:

House Bill No. 417, An act relative to taxation of property.

House Bill No. 360, An act relating to certain tax exemption of citizens who fought with allies of the United States.

To the Committee on Banks and Insurance:

House Bill No. 370, An act relative to insurance rating organizations.

Introduction of Guests

President Bass welcomed a group of Republican Women Workers from Rockingham County as guests of the Senate.

Introduction of Bills

Senator Otis, under a suspension of the rules, sixteen senators actually having voted in favor thereof, introduced the following entitled bill, which was read a first and second time, laid on the table to be printed, and referred to the Committee on Public Welfare and State Institutions:

Senate Bill No. 58, An act relative to Concord's Female Charitable Society.

Senator Brunel, under a suspension of the rules, sixteen senators actually having voted in favor thereof, introduced the following entitled bill, which was read a first and second time, laid on the table to be printed, and referred to the Committee on Judiciary:

Senate Bill No. 59, An act relating to probate accounts.

Senator Spollett, under a suspension of the rules, sixteen senators actually having voted in favor thereof, introduced the following entitled bill, which was read a first and second time, laid on the table to be printed, and referred to the Committee on Banks and Insurance:

Senate Bill No. 60, An act relating to the change of name of the Hampton Co-operative Building and Loan Association.

Committee Reports

Senator Noel, for the Committee on Ways and Means, to whom was referred:

Senate Bill No. 47, An act relative to the salaries of the commissioners of Hillsborough County.

Having considered the same, reported the same with the following amendment, and recommended that the bill as amended, ought to pass:

Amend section 1 of the bill by striking out in line 12 after the word Hillsborough, the words "three thousand dollars" and substituting therefor the words "two thousand seven hundred ten dollars" so that said section as amended shall read as follows:

1. *Hillsborough County.* Amend section 27 of chapter 47 of the Laws of 1943, by section 1 of chapters 66 and 163 of the Laws of 1945 and by section 1 of chapters 202 and 284 of the Laws of 1947, by striking out said section and inserting in place thereof the following: 27. *Commissioners.* The annual salary of each commissioner of the following counties shall be as follows, payable monthly by the county:

In Rockingham, fifteen hundred dollars.

In Strafford, twelve hundred dollars.

In Belknap, twelve hundred dollars.

In Merrimack, fifteen hundred dollars.

In Hillsborough, two thousand seven hundred ten dollars.

In Cheshire, fifteen hundred dollars.

In Sullivan, ten hundred dollars.

In Grafton, ten hundred dollars.

In Coos county each commissioner, when employed in the business of the county, shall receive five dollars a day, payable as hereinbefore provided. In Carroll county each commissioner, when employed in the business of the county, shall receive eight dollars a day, payable as hereinbefore provided. To the foregoing sums shall be added, in all the counties, a reasonable sum for all necessary expenses, upon order of the county auditors.

The report was accepted, amendment adopted, and the bill as amended was ordered to a third reading this afternoon at two o'clock.

Taken from the Table

House Bill No. 36, with its accompanying amendment, An act relating to registration of foreign corporations, was taken from the table.

The question being on the adoption of the amendment offered by the committee, which amendment was printed in the Senate Journal of March 11, 1949.

On a *viva voce* vote the affirmative prevailed, the amendment was adopted, and the bill as amended was ordered to a third reading this afternoon at two o'clock.

On motion of Senator Spollett the following resolution was adopted:

Resolved, That the rules be so far suspended as to permit all business in ordered for this afternoon at two o'clock to be made in order at the present time.

Third Readings

The following entitled bills were read a third time and passed:

Senate Bill No. 47, An act relative to the salaries of the commissioners of Hillsborough County.

House Bill No. 36, An act relating to registration of foreign corporations.

On motion of Senator Butman the Senate adjourned.

WEDNESDAY, MARCH 16, 1949

The Senate met according to adjournment.

House Message

The following message was received from the House of Representatives by its Clerk:

Mr. President:

The House of Representatives has passed the following entitled bills, in the passage of which it asks the concurrence of the Honorable Senate:

House Bill No. 235, An act relating to the fees of bail commissioners.

House Bill No. 317, An act relative to larceny.

House Bill No. 388, An act authorizing the sale of certain property of the state in the town of Dorchester.

The message further stated that the House of Representatives refuses to concur with the Honorable Senate in the passage of the following entitled bill, sent down from the Honorable Senate:

Senate Bill No. 18, An act relative to hours of service of permanent police officers.

The message further stated that the House of Representatives has voted to concur with the Honorable Senate in the passage of the following entitled bill, sent down from the Honorable Senate:

Senate Bill No. 15, An act relating to the tenure and bond of the state treasurer.

The message further stated that the House of Representatives has adopted the following concurrent resolutions in the adoption of which it asks the concurrence of the Honorable Senate:

Concurrent Resolutions

Memorializing the congress of the United States to pass, and the president of the United States to approve, if passed, the General Pulaski's Memorial Day resolution now pending in congress.

Whereas, a resolution providing for the president of the United States of America to proclaim October 11th of each year as "General Pulaski's Memorial Day" for the observance and commemoration of the death of Brigadier General Casimir Pulaski is now pending in the present session of the United States Congress; and

Whereas, the 11th day of October, 1779 is the date in American history of the heroic death of Brigadier General Casimir Pulaski, who died from wounds received on October 9th, 1779, at the siege of Savannah, Georgia; and

Whereas, the States of Arkansas, California, Connecticut, Delaware, Illinois, Indiana, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, Nevada, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, West Virginia, Wis-

consin, and other states of the Union, through legislative enactment designated October 11th of each year as "General Pulaski's Memorial Day"; and

Whereas, it is fitting that the recurring anniversary of this day be commemorated with suitable patriotic and public exercises in observing and commemorating the heroic death of this great American hero of the Revolutionary War; and

Whereas, the Congress of the United States of America has by legislative enactment designated from October 11, 1929 to October 11, 1946; to be General Pulaski's Memorial Day in United States of America; Now, therefore be it

Resolved by the House of Representatives, the Senate concurring:

That we hereby memorialize and petition the congress of the United States to pass, and the president of the United States to approve, if passed, the General Pulaski's Memorial Day resolution now pending in the United States congress.

That certified copies of this resolution, properly authenticated, be sent forthwith to each of the United States senators and representatives from New Hampshire.

On motion of Senator Hartnett the Senate voted to concur in the concurrent resolution, sent up from the House of Representatives.

Whereas it has been established by precedent and custom that the General Court invite as its guest at the session following his inaugural, a new President of the University of New Hampshire, and

Whereas on October 9, 1948, Dr. Arthur Stanton Adams was inaugurated as the eleventh President of the University of New Hampshire, therefore be it

Resolved By the House of Representatives, the Senate concurring, That the General Court invite Dr. Arthur Stanton Adams, President of the University of New Hampshire, to address the Joint Convention on Tuesday, March 29th, at 11:00 A. M.

On motion of Senator Reinhart, the Senate voted to concur in the concurrent resolution, sent up from the House of Representatives.

The message further stated that the House of Representatives has passed the following entitled bill in the passage of which it asks the concurrence of the Honorable Senate:

House Bill No. 484, An act to increase the membership of the Reorganization Commission.

Read and Referred

The following entitled bills, sent up from the House of Representatives, were read a first and second time, and referred:

To the Committee on Finance:

House Bill No. 484, An act to increase the membership of the Reorganization Commission.

On motion of Senator C. Cummings, the order whereby House Bill No. 484, An act to increase the membership of the Reorganization Commission, was referred to the Committee on Finance was vacated, and the Senate resolved itself into a Committee of the Whole for the purpose of considering the above entitled bill.

President Bass requested Senator Reinhart to serve as chairman of the Committee of the Whole, and he assumed the Chair.

The Senate called to order.

President Bass in the Chair.

On motion of Senator C. Cummings, the rules were suspended to introduce a committee report not previously advertised in the Journal.

Senator Reinhart, for the Committee of the Whole, to whom was referred:

House Bill No. 484, An act to increase the membership of the Reorganization Commission.

Having considered the same, reported the same without amendment and recommended its passage.

The report was accepted, and the bill was ordered to a third reading this afternoon at two o'clock.

To the Committee on Judiciary:

House Bill No. 235, An act relating to the fees of bail commissioners.

House Bill No. 317, An act relative to larceny.

To the Committee on Ways and Means:

House Bill No. 388, An act authorizing the sale of certain property of the state in the town of Dorchester.

Introduction of Bills and Joint Resolution

Senator Spollett, under a suspension of the rules, sixteen senators actually having voted in favor thereof, introduced the following entitled bill, which was read a first and second time, laid upon the table to be printed, and referred to the Committee on Ways and Means:

Senate Bill No. 61, An act legalizing school district meeting in the town of Newfields held March 5, 1949.

Senator Bingham, under a suspension of the rules, sixteen senators actually having voted in favor thereof, introduced the following entitled bill, which was read a first and second time, laid upon the table to be printed and referred to the Committee on Public Health:

Senate Bill No. 62, An act relative to the practice of pharmacy.

Senator Brunel, under a suspension of the rules, sixteen senators actually having voted in favor thereof, introduced the following entitled joint resolution, which was read a first and second time, laid upon the table to be printed, and referred to the Committee on Finance:

Senate Joint Resolution No. 12, Joint resolution in favor of Helen A. Wilson.

Recalled from the Governor

On motion of Senator Brunel the following resolution was adopted:

Resolved, That his Excellency, the Governor, be requested to return to the Senate, for further consideration, House Bill No. 169, An act relating to voluntary commitment of patients to the State Hospital.

On motion of the same senator the Senate voted to re-commit the above entitled bill to the Committee on Engrossed Bills for further consideration.

Senator C. Cummings offered the following resolution:

Resolved, That the Justices of the Supreme Court be

respectfully requested to give their opinion upon the following question of law:

Do the provisions of House Bill No. 249, An act relative to mileage allowance for members of the Legislature, with amendment as proposed, violate the Constitution of New Hampshire with respect to Part Second, Article 15, or with respect to any other provision of the Constitution?

Further Resolved, That the President of the Senate present a copy of this resolution and of House Bill No. 249, with amendment as proposed, to the Clerk of the Supreme Court for consideration by said court.

Senator O'Malley requested a recess of five minutes.

The President declared a recess.

Recess

The Senate re-assembled.

The question being stated, Shall the resolution be adopted?

On a *viva voce* vote, the affirmative prevailed and the resolution was adopted.

Committee Reports

Senator Lalumiere, for the Committee on Transportation, to whom were referred:

House Bill No. 91, An act relating to the gross weight of motor vehicles.

House Bill No. 347, An act relating to marking highways for motor vehicle travel.

Having considered the same, reported the same without amendment and recommended their passage.

The reports were accepted, and the bills were ordered to a third reading this afternoon at two o'clock.

Senator Bingham, for the Committee on Judiciary, to whom was referred:

House Bill No. 213, An act relating to the introduction of bills and to the printing of bills and Journals.

Having considered the same, reported the same with the following amendment, and recommended that the bill as amended ought to pass.

Amend section 3 of the bill by striking out the word "shall" in the sixth line and inserting in place thereof the word may; so that said section as amended shall read as follows:

3. *Bills and Resolutions.* Amend section 4, chapter 10, Revised Laws, by striking out the words "seven hundred and fifty" in the second line thereof and inserting in their place the words, eleven hundred, so that said section as amended shall read as follows: 4. *Bills and Resolutions.* The clerks of the Senate and House of Representatives may cause to be printed eleven hundred copies of every bill and joint resolution after its second reading, and shall cause one each of such copies to be distributed to each member of those bodies as soon as printed. Twenty-five copies of each shall be delivered to the state library.

The report was accepted, amendment adopted, and the bill as amended was ordered to a third reading this afternoon at two o'clock.

Senator Bingham, for the Committee on Judiciary, to whom were referred:

House Bill No. 251, An act relating to the appointment and tenure of deputy clerks of superior courts.

House Bill No. 276, An act increasing the number of court stenographers.

House Bill No. 346, An act relating to fines collected by a municipal court.

Senate Bill No. 33, An act relative to the board of parole.

Senate Joint Resolution No. 10, Joint resolution relating to world government.

Having considered the same, reported the same without amendment and recommended their passage.

The reports were accepted, and the bills were ordered to a third reading this afternoon at two o'clock.

Introduction of Guest

President Bass introduced to the membership of the Senate, former Speaker of the House of Representatives and former President of the Senate, Charles H. Barnard of Manchester. President Bass instructed the sergeant-at-arms to escort Mr. Barnard to the rostrum.

Senator Bingham, for the Committee on Judiciary, to whom was referred:

House Bill No. 225, An act relative to the Littleton Water and Light Department, formerly Littleton Water Works.

Having considered the same, reported the same with the following resolution:

Resolved, That it is inexpedient to legislate.

The report was accepted.

Senator Reinhart moved that the words "ought to pass as amended" be substituted for the words "inexpedient to legislate."

The Clerk read the amendment in full to the Senate.

The question being stated, Shall the words "ought to pass with amendment" be substituted for the words "inexpedient to legislate?"

(Discussion ensued)

Senator Noel moved that the bill, with the accompanying report, be recommitted to the Committee on Judiciary for further consideration.

On a *viva voce* vote the affirmative prevailed, and the above entitled bill was recommitted to the committee.

Senator Wiggin, for the Committee on Fisheries and Game, Forestry and Recreation, to whom were referred:

House Bill No. 45, An act relating to method of payment for forest fire expenses.

House Bill No. 350, An act relating to changing the name of Long Pond in Hollis.

Having considered the same, reported the same without amendment and recommended their passage.

The reports were accepted, and the bills were ordered to a third reading this afternoon at two o'clock.

Senator Wiggin, for the Committee on Fisheries and Game, Forestry and Recreation, to whom was referred:

Senate Bill No. 49, An act relative to the bag limit for taking horned pout.

Having considered the same, reported the same with the following amendment and recommended that the bill as amended, ought to pass.

Amend section 1 of the bill by adding in line 2 after the word "person" the words "within the limits of Coos County" so that said section as amended shall read:

1. *Horned Pout.* During the open season for taking horned pout no person within the limits of Coos County may take more than forty horned pout between twelve o'clock noon in one day and twelve o'clock noon of the following day.

The report was accepted, amendment adopted, and the bill as amended was ordered to a third reading this afternoon at two o'clock.

Senator Otis, for the Committee on Engrossed Bills, to whom was referred:

House Bill No. 65, An act relative to unemployment compensation benefit eligibility conditions.

Having considered the same, reported the same under Joint Rule No. 6 with the following amendment, and recommended that the bill as amended, ought to pass.

Amend section 1 of said bill by striking out the word "and" in the fourth line. Further amend said section by inserting after the figure "1947" where it occurs the second time in the fourth line the words and figures, and by section 2, chapter 30, Laws of 1949.

The report was accepted, amendment adopted, and the bill as amended was sent to the House of Representatives for concurrence in Senate amendment.

Senator Otis, for the Committee on Engrossed Bills, to whom was referred:

House Bill No. 141, An act relative to suspension or revocation of certificates issued under New Hampshire Aeronautics Act.

Having considered the same, reported the same under Joint Rule No. 6 with the following amendment, and recommended that the bill as amended, ought to pass:

Amend section 1 of said bill by striking out the last sentence and inserting in place thereof the following:

Provided further that if any person takes an appeal from such conviction the commission may suspend the certificate of such person pending the appeal.

The report was accepted, amendment adopted, and the bill as amended was sent to the House of Representatives for concurrence in Senate amendment.

Senator Otis, for the Committee on Engrossed Bills, to whom was referred:

House Bill No. 165, An act relative to notice to director before water is drawn down in certain cases.

Having considered the same, reported the same under Joint Rule No. 6 with the following amendment, and recommended that the bill as amended, ought to pass.

Amend section 1 of said bill by striking out the first four lines and inserting in place thereof the following:

1. *Prohibition.* Amend chapter 245 of the Revised Laws by inserting after section 36 the following new sections: 36-a. *Notice.* No person by means of opening gates or dams, other than in the ordinary use of an established water privilege, shall draw

The report was accepted, amendment adopted, and the bill as amended was sent to the House of Representatives for concurrence in Senate amendment.

Senator Otis, for the Committee on Engrossed Bills, to whom was referred:

House Bill No. 193, An act relating to pupils.

Having considered the same, reported the same, under Joint Rule No. 6, with the following amendment and recommended that the bill as amended ought to pass:.

Amend section 1 of said bill by striking out the first six lines and inserting in place thereof the following:

1. *School Pupils.* Amend section 1 of chapter 137 of the Revised Laws by striking out said section and inserting in place thereof the following: 1. *Duty of Pupil.* Every child between eight and sixteen years of age shall attend the public school within the district or a public school outside the district to which he is assigned or an approved private school during all the time the public schools are in session, unless he is more than fourteen years old and has completed the

The report was accepted, amendment adopted, and the bill as amended was sent to the House of Representatives for concurrence in Senate amendment.

Bills Engrossed

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled bills:

Senate Bill No. 22, An act relating to stenographers for probate court.

House Bill No. 31, An act relative to penalty for hunting while intoxicated.

House Bill No. 47, An act relating to obtaining transportation by fraud.

House Bill No. 51, An act relating to proclamation prohibiting smoking or building fires near woodland.

House Bill No. 108, An act changing the name of Todd Pond in the towns of Newbury and Bradford.

House Bill No. 117, An act increasing the salaries of the commissioners of Coos county.

House Bill No. 352, An act relative to taking fish from lakes and ponds partly in another state.

House Bill No. 37, An act relating to debt limitations as a result of certain required installations of sewerage systems or treatment plants.

House Bill No. 52, An act relative to leasing sewage facilities.

House Bill No. 149, An act relating to lien for sewer assessments and sewer rentals.

House Bill No. 281, An act relative to suspension of fish and game licenses.

House Bill, No. 405, An act relative to destruction of papers of the health department.

House Bill No. 173, An act naming The Moosilauke Road.

House Bill No. 181, An act relative to the Gafney Home for the Aged.

House Bill No. 220, An act relative to the registration of saw mills.

House Bill No. 161, An act relative to bonds on public works.

House Bill No. 334, An act relative to the salary of the mayor of Somersworth.

Senate Bill No. 11, An act relative to use of town road aid of the Class IV highway.

Senate Bill No. 20, An act relative to auditing accounts of agricultural fairs.

SARA E. OTIS.
For the Committee.

On motion of Senator Spollett the following resolution was adopted:

Resolved, That the rules be so far suspended as to permit all business in order for this afternoon at two o'clock be made in order at the present time.

Third Readings

The following entitled bills and joint resolution were read a third time and passed:

Senate Bill No. 33, An act relative to the board of parole.

Senate Bill No. 49, An act relative to the bag limit for taking horned pout.

Senate Joint Resolution No. 10, Joint resolution relating to world government.

House Bill No. 45, An act relating to method of payment for forest fire expenses.

House Bill No. 91, An act relating to the gross weight of motor vehicles.

House Bill No. 213, An act relating to the introduction of bills and to the printing of bills and journals.

House Bill No. 251, An act relating to the appointment and tenure of deputy clerks of superior courts.

House Bill No. 276, An act increasing the number of court stenographers.

House Bill No. 346, An act relating to fines collected by a municipal court.

House Bill No. 347, An act relating to marking highways for motor vehicle travel.

House Bill No. 350, An act relating to changing the name of Long Pond in Hollis.

House Bill No. 484, An act to increase the membership of the Reorganization Commission.

On motion of Senator Butman the Senate adjourned.

THURSDAY, MARCH 17, 1949

The Senate met according to adjournment.

Leaves of Absence

Senators Bingham, Hartnett, and Reinhart were granted leaves of absence on account of important business.

House Message

The following message was received from the House of Representatives, by its Clerk:

Mr. President:

The House of Representatives has passed the following entitled bills, in the passage of which it asks the concurrence of the Honorable Senate:

House Bill No. 248, An act to dissolve certain railroad corporations.

House Bill No. 407, An act relative to factors liens.

The message further stated that the House of Representatives concurs with the Honorable Senate in the passage of the following entitled bill with amendments, in the passage of which amendments the House of Representatives asks the concurrence of the Honorable Senate.

Senate Bill No. 21, An act relating to legacy receipts.

Amend section 1 of said bill by striking out the words "law parents" in line fifteen and inserting in place thereof the words, *in loco parentis*, so that said section as amended shall read as follows:

1. *Receipt.* Amend section 20, chapter 361 of the Revised Laws by striking out the said section and inserting in lieu thereof the following:

20. *Minors not Under Guardianship.* Whenever any minor not being under legal guardianship shall be entitled to receive from any administrator or executor any distributive share as heir or next of kin, or any legacy, the full amount of which share or legacy is not more than seven hundred dollars, said administrator, or executor, upon petition to and approval of the probate court shall pay said sum to the parents of said minor, if both are living, or to the surviving parent, if one parent is deceased, or to the parent or other person, having

custody of said minor, if the parents are divorced, or to a person standing *in loco parentis* to said minor, if both parents are deceased, and the receipt of said parents or parent or other person shall be filed and accepted by the probate court in discharge of the administrator's or executor's liability therefor in the same manner and effect as though said parents or parent or other person had been legally appointed guardian by the probate court. Publication of notice upon the petition to the probate court shall not be required unless ordered by the court.

On motion of Senator Daniell the Senate voted to concur in the amendment to the above entitled bill, sent up from the House of Representatives.

The message further stated that the House of Representatives had voted to adopt the amendments offered by the Committee on Engrossed Bills, to the following entitled House bills, in the adoption of which amendments the House of Representatives asked the concurrence of the Honorable Senate:

House Bill No. 48, An act relating to the apportionment of expenses of municipalities in fighting forest fires.

Amend section 1 of said bill by striking out the first four lines and inserting in place thereof the following:

1. *Expenses of Municipalities.* Amend section 24 of chapter 233 of the Revised Laws by striking out the words "total assessed valuation on such municipality for the preceding tax year" in the tenth line and inserting in place thereof the words, latest equalized locally assessed valuation on such municipality, so that said section as amended shall read as follows:

On motion of Senator Otis, the Senate voted to concur in the adoption of the amendment offered by the Committee on Engrossed Bills to the above entitled bill, sent up from the House of Representatives.

Read and Referred

The following entitled bills, sent up from the House of Representatives, were read a first and second time, and referred to the Committee on Judiciary:

House Bill No. 248, An act to dissolve certain railroad corporations.

House Bill No. 407, An act relative to factors liens.

Introduction of Bills

Senator E. Cummings, under a suspension of the rules, sixteen senators actually having voted in favor thereof, introduced the following entitled bill, which was read a first and second time, laid on the table to be printed, and referred to the Committee on Transportation:

Senate Bill No. 63, An act relative to retaining license numbers of passenger car registrations.

Committee Reports

Senator Noel, for the Committee on Finance, to whom was referred:

House Joint Resolution No. 25, Joint resolution in favor of the estate of John H. McShea, Sr.

Having considered the same, reported the same without amendment and recommended its passage.

The report was accepted, and the bill was ordered to a third reading this afternoon, at two o'clock.

Senator Caron, for the Committee on Public Health, to whom were referred:

House Bill No. 140, An act relative to mineral oil in foods and guaranty to dealer relative to original packages of foods.

House Bill No. 241, An act relative to requirements for manufacture of ice cream.

House Bill No. 246, An act relative to biologicals.

House Bill No. 265, An act relative to recording death certificates.

House Bill No. 266, An act relative to vital statistics forms, and recording records of stillbirths.

Having considered the same, reported the same without amendment and recommended their passage.

The reports were accepted, and the bills were ordered to a third reading this afternoon at two o'clock.

Senator Caron, for the Committee on Public Health, to whom was referred:

House Bill No. 3, An act relative to the practice of optometry.

Having considered the same, reported the same with the following amendment, and recommended that the bill as amended, ought to pass:

Amend section 1 of the bill by striking out in the sixth line the word "grossly"; so that said section as amended shall read as follows:

1. *Revocation of Certificate.* Amend section 22, chapter 253, Revised Laws, by striking out said section and inserting in place thereof the following: 22. *Causes.* The board, after hearing, may refuse to issue a license, or may revoke any license issued under this act, if the licensee has been found guilty of any fraud in obtaining his certificate or in the practice of optometry, has been convicted of crime, is an habitual drunkard, is incompetent to practice optometry, or has been guilty of unprofessional, dishonorable or immoral conduct; or if the licensee in advertising his business has included in any newspaper, radio, display sign or other advertisement any statement of a character tending to deceive or mislead the public; or in advertising has included any statement claiming professional superiority; or has advertised in any way the performance of professional services in a superior manner; or has advertised definite or fixed prices for services and materials when the nature of the professional service rendered and the materials required must be variable; or has advertised by means of signs or printed advertisements or show cases containing the representation of glasses, or photographs of any person or has continued to practice without annual registration.

The report was accepted, amendment adopted, and the bill as amended was ordered to a third reading this afternoon at two o'clock.

Senator Caron, for the Committee on Public Health, to whom was referred:

House Bill No. 64, An act pertaining to the practice of dentistry.

Having considered the same, reported the same with the following amendment, and recommended that the bill as amended, ought to pass:

Amend section 4 of the bill by striking out the whole thereof and substituting in place therefor the following:

4. *Business Name.* No person shall operate any dental office under any name other than the name of the dentist or dentists actually owning the practice. The above provisions shall not apply to any corporation which, upon the date of the passage of this act, was operating a dental office under a corporate title containing the name of the dentist or dentists actually owning the practice, "so long as the corporate title shall continue to contain the name of the dentist or dentists from time to time actually owning the practice."

Further amend section 3 by striking out the whole thereof and renumbering sections 4 and 5 to read sections 3 and 4.

The report was accepted, amendment adopted, and the bill as amended was ordered to a third reading this afternoon at two o'clock.

Bills Engrossed

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled bills:

House Bill No. 158, An act relative to purchase and sale of poultry.

House Bill No. 75, An act regulating the height of vehicles carrying lumber, logs and timber.

House Bill No. 363, An act relating to brakes on all motor vehicles.

SARA OTIS,
For the Committee.

Communication

President Bass announced the receipt of a communication from the Commonwealth of Massachusetts which was read by the Clerk as follows:

COMMONWEALTH OF MASSACHUSETTS

Office of the Secretary
Boston 33

Resolutions Relative to the Development of the Waterways of the Commonwealth

Whereas, The General Court of Massachusetts favors and urges the development of the waterways of the commonwealth, wherever feasible, for the production of hydroelectricity to free the commonwealth from dependence on coal and

other fuels which are scarce or non-existent in the commonwealth, to stimulate industrial enterprises in the commonwealth, and to encourage the establishment of new enterprises in the commonwealth; therefore be it

Resolved, That the General Court of Massachusetts urges the Congress of the United States to enact such legislation and to take such other action as may be necessary to effect said development of waterways for the production of hydro-electricity to be distributed through private enterprise and municipal power and light plants; and be it further

Resolved, That the General Court of Massachusetts invites and urges the co-operation of the five other New England states and the state of New York in the development of waterways coming to the New England states and the state of New York; and be it further

Resolved, That copies of these resolutions be sent forthwith by the state secretary to the presiding officer of each branch of Congress and to the members thereof from this commonwealth, to the governor of each of the five other New England states and the state of New York, and to the presiding officer of each branch of the legislature of each of said states.

In House of Representatives, adopted, March 2, 1949.

LAWRENCE R. GROVE, *Clerk*.

In Senate, in concurrence, March 10, 1949.

IRVING N. HAYDEN, *Clerk*.

A true copy. Attest:

EDWARD J. CRONIN,

Secretary of the Commonwealth

Permission for use of the Senate Chamber was granted to Senator McMeekin for the Committee on Ways and Means to hold a public hearing on Tuesday, March 22, at 1:00 P. M.

Permission for use of the Senate Chamber was granted to Senator Brunel for the Committee on Public Health to hold a public hearing on Wednesday, March 23, at 1:30 P. M.

On motion of Senator Spollett the following resolution was adopted:

Resolved, That the rules be so far suspended as to permit all business in order for this afternoon at two o'clock to be made in order at the present time.

Third Readings

The following entitled bills were read a third time and passed:

House Bill No. 3, An act relative to the practice of optometry.

House Bill No. 140, An act relative to mineral oil in foods and guaranty to dealer relative to original packages of foods.

House Bill No. 241, An act relative to requirements for manufacture of ice cream.

House Bill No. 246, An act relative to biologicals.

House Bill No. 265, An act relative to recording death certificates.

House Bill No. 266, An act relative to vital statistics forms, and recording records of stillbirths.

House Joint resolution No. 25, Joint resolution in favor of the estate of John H. McShea, Sr.

House Bill No. 64, An act pertaining to the practice of dentistry, was read a third time.

The question being stated, Shall the bill pass?

On motion of Senator Daniell the bill and its accompanying amendment was laid upon the table.

Personal Privilege

Senator Noel rose to a point of personal privilege to thank Senator O'Malley from District No. 18, for his thoughtfulness and generosity in presenting to the senators and attaches, green carnations symbolic of St. Patrick's Day.

On motion of Senator Tarlson the following resolution was adopted:

Resolved, That when the Senate adjourns today it be to meet Tuesday morning at eleven o'clock.

On motion of Senator Butman the Senate adjourned.

TUESDAY, MARCH 22, 1949

The Senate met according to adjournment.

House Message

The following message was received from the House of Representatives, by its Clerk:

Mr. President:

The House of Representatives has passed the following entitled bills, in the passage of which it asks the concurrence of the Honorable Senate:

House Bill No. 199, An act providing for additional appropriation for certain departments for the fiscal year ending June 30, 1949.

House Bill No. 210, An act to provide for a presidential preference primary.

House Bill No. 419, An act relative to town appropriations for hospitals.

House Bill No. 430, An act relative to the reclassification of a road in the town of Milton.

House Bill No. 452, An act relative to airport managers and their powers and duties.

The message further stated that the House of Representatives had voted to concur with the Honorable Senate in its adoption of the amendments offered by the Committee on Engrossed Bills to the following entitled bills:

House Bill No. 65, An act relative to unemployment compensation benefit liability conditions.

House Bill No. 141, An act relative to suspension or revocation of certificates issued under New Hampshire Aeronautics Act.

House Bill No. 165, An act relative to notice to director before water is drawn down in certain cases.

House Bill No. 193, An act relating to pupils.

The message further stated that the House of Representatives had voted to concur with the Honorable Senate in its amendments to the following entitled bill:

House Bill No. 213, An act relating to the introduction of bills and to the printing of bills and Journals.

The message further stated that the House of Representatives had voted to concur with the Honorable Senate in the passage of the following entitled bills and joint resolution, sent down from the Honorable Senate:

Senate Bill No. 23, An act relative to recoveries in old age assistance.

Senate Bill No. 26, An act relative to the Congregational Society in Stratham.

Senate Joint Resolution No. 9, Joint resolution relative to the estate of D. Salmon Whitcomb.

The message further stated that the House of Representatives had voted to non-concur with the Honorable Senate in the passage of the following entitled bill with amendments, sent down from the Honorable Senate and asked for a Committee of Conference:

House Bill No. 36, An act relating to registration of foreign corporations.

The Speaker appointed as members of such committee, on the part of the House, Messrs. Hinman of Stratford, Turner of Keene and Sawyer of Concord.

On motion of Senator Hartnett the Senate voted to accede to the request of the House of Representatives for a Committee of Conference.

The President appointed as members on such committee, on the part of the Senate, Senators Reinhart and Daniell.

Read and Referred

The following entitled bills, sent up from the House of Representatives, were read a first and second time and referred:

To the Committee on Finance:

House Bill No. 199, An act providing for additional appropriation for certain departments for the fiscal year ending June 30, 1949.

To the Committee on Ways and Means:

House Bill No. 210, An act to provide for a presidential preference primary.

House Bill No. 452, An act relative to airport managers and their powers and duties.

To the Committee on Public Welfare and State Institutions:

House Bill No. 419, An act relative to town appropriations for hospitals.

To the Committee on Public Works:

House Bill No. 430, An act relative to the reclassification of a road in the town of Milton.

Introduction of Guests

President Bass welcomed, as guests of the Senate, the Hillsborough basketball team and their coach as guests of the doorkeeper, Frank D. Gay.

Introduction of Bills

Senator Hartnett, under a suspension of the rules, sixteen senators actually having voted in favor thereof, introduced the following entitled bill, which was read a first and second time, laid upon the table to be printed, and referred to the Committee on Judiciary:

Senate Bill No. 64, An act defining sub-jobbers under the tobacco act so-called.

Senator E. Cummings, under a suspension of the rules, sixteen senators actually having voted in favor thereof, introduced the following entitled bill, which was read a first and second time, laid upon the table to be printed, and referred to the Committee on Ways and Means:

Senate Bill No. 65, An act legalizing certain proceedings for meetings in the town of Greenfield.

Committee Reports

Senator Butman, for the Committee on Banks and Insurance, to whom were referred:

House Bill No. 339, An act relating to the change of name of the Concord Building and Loan Association.

House Bill No. 340, An act relating to limitations upon accounts of building and loan associations.

House Bill No. 353, An act relating to name and shares of building and loan associations.

Having considered the same, reported the same without amendment and recommended their passage.

The reports were accepted, and the bills ordered to a third reading this afternoon at two o'clock.

Senator Caron, for the Committee on Military and Veterans' Affairs, to whom was referred:

House Bill No. 369, An act relative to service exemption for war veterans.

Having considered the same, reported the same with the following amendment and recommended that the bill as amended ought to pass.

Amend section one of the bill by inserting in line 5, after the words "United States in," the words, any of; so that said section as amended shall read:

1. *War Veterans.* Amend section 29, chapter 73 of the Revised Laws, as amended by chapter 174, Laws of 1943, and by chapter 4, Laws of 1944 and chapter 240, Laws of 1947, by striking out said section and inserting in place thereof the following: 29. *Service Exemption.* Every resident of this state who served not less than ninety days in the armed forces of the United States in any of the wars in which the United States has been engaged, as follows: Spanish-American War, April 21, 1898-April 11, 1899; World War I, April 6, 1917-July 2, 1921; World War II, December 8, 1941-December 31, 1946; except those dishonorably discharged from such service or the spouse of such resident, widow of such resident, and every resident, or spouse of such resident whose services were terminated for a service-connected disability and the widow of any resident who suffered a service-connected death, in consideration of such service shall be exempt each year from taxation upon his or her taxable property as assessed by the selectmen, to the value of one thousand dollars, provided such person and spouse do not own taxable property in this state, exclusive of *bona fide* encumbrances of record thereon, to the value of more than five thousand dollars.

Amend section 4 of the bill by striking out the whole of said section and renumbering it to read section 3, as follows:

3. *State Tax Commission.* Further amend said chapter 73 of the Revised Laws as amended by chapter 240 of the Laws of 1947 by inserting after section 29-g the following new section: 29-h. *Interpretations and Regulations.* The State tax commission is hereby authorized and empowered to make

such reasonable interpretations and constructions of sections 29 through 29-g, subject to the approval of the attorney general, as will carry out their spirit and purpose, and to make such reasonable rules and regulations as will insure a uniformity of observance and enforcement thereof throughout the state.

Amend section 5 of the bill by renumbering to read 4.

The report was accepted, amendment adopted, and the bill as amended was ordered to a third reading this afternoon at two o'clock.

Senator Caron, for the Committee on Military and Veterans' Affairs, to whom was referred Senate Bill No. 41, An act relative to the staff of the governor as commander-in chief.

Having considered the same, reported the same with the following amendment, and recommended that the bill as amended, ought to pass.

The report was accepted, and the bill and the accompanying amendment was laid on the table to be printed in the Journal, under the rules.

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1. *Amendment.* Amend section 21 of chapter 143 of the Revised Laws by inserting after the words "United States" in the fifth line the words, air forces, and by inserting after the words "United States" in the sixth line the words, air forces, so that said section as amended shall read as follows: 21. *Staff.* The staff of the commander-in-chief shall consist of the adjutant-general, with the rank of brigadier-general, who shall be chief of staff, and twelve aides-de-camp, four of whom shall be detailed from the national guard and four appointed from those who served in the United States air forces, army, navy, or marine corps, in any war. The remaining four may be appointed from officers or ex-officers of the United States air forces, army, navy, or marine corps, or of the national guard, or of the various officers' reserve corps, or from civil life.

2. *Staff of Commander-in-Chief.* Amend section 22 of chapter 143 of the Revised Laws by inserting after the words "appointed from the" in the fourth line the words, air forces, and by inserting after the word "organizations" in the sixth

line the words, except that if the rank last held by an ex-officer of the air-force or of the army or the marine corps is lower than major, such ex-officer shall be commissioned in the rank of major; and that if the rank last held by an ex-officer of the navy is lower than lieutenant commander such ex-officer shall be commissioned in the rank of lieutenant commander, so that said section as amended shall read as follows: 22. *Staff Officers' Rank.* Officers detailed from the national guard shall retain their existing rank, and shall remain subject to duty except as their services may be required by the governor as members of his staff. Officers or ex-officers appointed from the air forces, army, navy or marine corps, or from the various officers' reserve corps, shall be of the rank held or last held by them in these organizations except that if the rank last held by an ex-officer of the air forces or of the army or the marine corps is lower than major, such ex-officer shall be commissioned in the rank of major; and that if the rank last held by an ex-officer of the navy is lower than lieutenant commander, such ex-officer shall be commissioned in the rank of lieutenant commander. Officers appointed from civil life shall be commissioned in the rank of major, and shall not thereby be exempted from military duties under the terms of this title. The twelve aides-de-camp shall hold office during the pleasure and not exceeding the term of office of the governor.

3. *Takes Effect.* This act shall take effect upon its passage.

Senator Otis, for the Committee on Engrossed Bills, to whom was referred:

House Bill No. 350, An act relating to changing the name of Long Pond in Hollis.

Having considered the same, reported the same, under Joint Rule No. 6, with the following amendment and recommended that the bill as amended ought to pass.

Amend section 1 of said bill by striking out the first two lines and inserting in place thereof the following:

1. *Name Changed.* The body of water in the town of Hollis in the county of Hillsborough now known as Long Pond shall hereafter

The report was accepted, amendment adopted, and the bill as amended sent to the House of Representatives for concurrence in Senate amendment.

Senator Otis, for the Committee on Engrossed Bills, to whom was referred:

House Bill No. 140, An act relative to mineral oil in foods and guaranty to dealer relative to original packages of foods.

Having considered the same, reported the same, under Joint Rule No. 6, with the following amendment and recommended that the bill as amended ought to pass.

Amend the title of the bill by striking out the words "mineral oil in foods and"

Amend section 1 by striking out the words "new section" in the third line.

The report was accepted, amendment adopted, and the bill as amended was sent to the House of Representatives for concurrence in Senate amendment.

Bills Engrossed

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled bills and joint resolution:

Senate Bill No. 21, An act relating to legacy receipts.

Senate Bill No. 23, An act relative to recoveries in old age assistance.

Senate Bill No. 26, An act relative to the Congregational Society in Stratham.

House Joint Resolution No. 25, Joint resolution in favor of the estate of John H. McShea, Sr.

House Bill No. 45, An act relating to method of payment for forest fire expenses.

House Bill No. 48, An act relating to the apportionment of expenses for municipalities in fighting forest fires.

House Bill No. 65, An act relative to unemployment compensation benefit eligibility conditions.

House Bill No. 141, An act relative to suspension or revocation of certificates issued under New Hampshire Aeronautics Act.

House Bill No. 165, An act relative to notice to director before water is drawn down in certain cases.

House Bill No. 193, An act relating to pupils.

House Bill No. 241, An act relative to requirements for manufacture of ice cream.

House Bill No. 246, An act relative to biologicals.

House Bill No. 251, An act relating to the appointment and tenure of deputy clerks of superior courts.

House Bill No. 265, An act relative to recording death certificates.

House Bill No. 266, An act relative to vital statistics forms, and recording records of stillbirths.

House Bill No. 276, An act increasing the number of court stenographers.

House Bill No. 346, An act relating to fines collected by a municipal court.

House Bill No. 347, An act relating to marking highways for motor vehicle travel.

House Bill No. 484, An act to increase the membership of the reorganization commission.

SARA E. OTIS,
For the Committee.

On motion of Senator Spollett the following resolution was adopted:

Resolved, That the rules be so far suspended as to permit all business in order for this afternoon at two o'clock to be made in order at the present time.

Third Readings

The following entitled bills were read a third time and passed:

House Bill No. 339, An act relating to the change of name of the Concord Building and Loan Association.

House Bill No. 340, An act relating to limitations upon accounts of building and loan associations.

House Bill No. 353, An act relating to name and shares of building and loan associations.

House Bill No. 369, An act relative to service exemption for war veterans.

Taken from the Table

On motion of Senator Daniell, House Bill No. 64, An act pertaining to the practice of dentistry, was taken from the table.

The question being stated, Shall the bill pass?

On a *viva voce* vote, the affirmative prevailed, and the above entitled bill, which had previously been read a third time, was passed at the present time.

On motion of Senator Butman the following resolution was unanimously adopted by a rising vote:

Resolved, That, when the Senate adjourns today it adjourn out of respect to the memory of William T. Barron, Jr., of Salem, a veteran of World War II.

On motion of Senator Butman the Senate adjourned.

WEDNESDAY, MARCH 23, 1949

The Senate met according to adjournment.

Leave of Absence

Senator Otis was granted a leave of absence on account of illness.

House Message

The following message was received from the House of Representatives, by its Clerk:

Mr. President:

The House of Representatives has passed the following entitled bills, in the passage of which it asks the concurrence of the Honorable Senate:

House Bill No. 53, An act relating to non-resident pupils in schools.

House Bill No. 267, An act relative to prohibiting marriages.

House Bill No. 309, An act relating to drainage into highways.

House Bill No. 366, An act relative to motorized bicycles or scooters.

House Bill No. 465, An act relating to conversion into federal savings and loan associations.

House Bill No. 358, An act providing for a temporary pay increase for state employees.

The message further stated that the House of Representatives refused to concur with the Honorable Senate in the passage of the following entitled bill, sent down from the Honorable Senate:

Senate Bill No. 34, An act relative to motor vehicle violations.

The message further stated that the House of Representatives concurred with the Honorable Senate in the passage of the following joint resolution, with amendment, in the passage of which amendment the House of Representatives asked the concurrence of the Honorable Senate:

Senate Bill No. 35, An act relative to registration of motor vehicles.

Amend section 2 of the bill by striking out the words "upon its passage" and inserting in place thereof the following: April 1, 1950, so that said section as amended shall read as follows:

2. *Takes Effect.* This act shall take effect April 1, 1950.

On motion of Senator Wiggin the Senate voted to adopt the amendment to the above entitled bill, sent up from the House of Representatives.

The message further stated that the House of Representatives had voted to adopt the amendment offered by the Committee on Engrossed Bills to the following House bill, in the adoption of which amendment the House of Representatives asked the concurrence of the Honorable Senate:

House Bill No. 213, An act relating to the introduction of bills and to the printing of bills and Journals.

Amend section 4 of said bill by striking out the first four lines and inserting in place thereof the following:

4. *Printing.* Amend section 4, chapter 10, Revised Laws, by striking out the word "shall" in the second line and inserting in place thereof the word, may, and by striking out the words "seven hundred and fifty" in said second line and inserting in place thereof the words, eleven hundred, so

that said section as amended shall read as follows: 4. *Bills and Resolutions*. The

On motion of Senator Reinhart the Senate voted to concur in the adoption of the amendments offered by the Committee on Engrossed Bills to the above entitled bill.

The message further stated that the House of Representatives has voted to adopt the amendments offered by the Committee on Engrossed Bills, to the following Senate Bill and Senate Joint Resolution in the adoption of which amendments the House of Representatives asks the concurrence of the Honorable Senate:

Senate Bill No. 15, An act relating to the tenure and bond of the state treasurer.

Amend section 1 of said bill by striking out the same, and inserting in place thereof the following:

1. *State Treasurer*. Amend section 1 of chapter 22 of the Revised Laws by adding at the end thereof the words, and shall hold office until a successor is elected, so that said section as amended shall read as follows: 1. *Election*. The state treasurer shall be chosen biennially in the manner directed in the constitution and shall hold office until a successor is elected.

Amend section 2 of said bill by striking out the same, and inserting in place thereof the following:

2. *Holding Over*. Amend section 2 of chapter 22 of the Revised Laws by striking out said section, and inserting in place thereof the following: 2. *Bond*. Before entering upon the duties of his office he shall give bond in the sum of fifty thousand dollars, with sufficient sureties, to be approved by the governor and council, conditioned for the faithful discharge of the duties of his office, which bond shall be deposited and safely kept in the office of the secretary. Upon the failure of the legislature to elect a state treasurer on the first Wednesday of the biennium the state treasurer previously elected shall give a new bond in the sum of fifty thousand dollars with sureties, to be approved by the governor and council, which bond shall be conditioned upon the satisfactory discharge of the duties of said office until a successor is elected and shall be deposited and safely kept in the office of the secretary of state.

Further amend said bill by adding at the end the following new section:

3. *Takes Effect.* This act shall take effect upon its passage.

On motion of Senator Reinhart the Senate voted to adopt the amendments offered by the Committee on Engrossed Bills to the above entitled bill.

Senate Joint Resolution No. 9, Joint resolution relative to the estate of D. Salmon Whitcomb.

Amend the resolution by striking out the words "accordingly or by forfeiture of" in the seventh and eighth lines, and inserting in place thereof the words, in accordance with the provisions of,

On motion of Senator Reinhart the Senate voted to adopt the amendments offered by the Committee on Engrossed Bills to the above entitled joint resolution.

Read and Referred

The following entitled bills, sent up from the House of Representatives, were read a first and second time, and referred:

To the Committee on Education:

House Bill No. 53, An act relating to non-resident pupils in schools.

To the Committee on Public Health:

House Bill No. 267, An act relative to prohibiting marriages.

House Bill No. 309, An act relating to drainage into highways.

House Bill No. 366, An act relative to motorized bicycles or scooters.

To the Committee on Banks and Insurance:

House Bill No. 465, An act relating to conversion into federal savings and loan associations.

To the Committee on Finance:

House Bill No. 358, An act providing for a temporary pay increase for state employees.

Introduction of Guest

President Bass introduced to the membership of the Senate, Mayor Maynard of Nashua, N. H., who was escorted to the rostrum by the Sergeant-at-Arms.

Introduction of Bills

Senator E. Cummings, under a suspension of the rules, sixteen senators actually having voted in favor thereof, introduced the following entitled bill, which was read a first and second time, laid on the table to be printed and referred to the Committee on Ways and Means:

Senate Bill No. 66, An act legalizing certain meetings in the town of Francestown.

Senator Reinhart, under a suspension of the rules, sixteen senators actually having voted in favor thereof, introduced the following entitled bill, which was read a first and second time, laid upon the table to be printed, and referred to the Committee on Ways and Means:

Senate Bill No. 67, An act relating to manufacturer's permits.

Committee Reports

Senator Bingham, for the Committee on Judiciary, to whom was referred:

Senate Bill No. 42, An act relative to adoption of rules and regulations by the state board of fire control.

Having considered the same, reported the same without amendment and recommended its passage.

The report was accepted, and the bill was ordered to a third reading this afternoon at two o'clock.

Senator Noel, for the Committee on Ways and Means, to whom were referred:

Senate Bill No. 52, An act legalizing school district meeting in the town of Lyndeborough held in March, 1949.

House Bill No. 177, An act relating to zoning in towns.

Having considered the same, reported the same without amendment and recommended their passage.

The reports were accepted, and the bills were ordered to a third reading this afternoon at two o'clock.

Senator Spollett, for the Committee on Public Works, to whom was referred:

House Bill No. 372, An act designating Route No. 4 and the new toll road connecting Route No. 1 in Maine with Route No. 1 in Massachusetts as the Blue Star Memorial Highway.

Having considered the same, reported the same without amendment and recommended its passage.

The report was accepted, and the bill was ordered to a third reading this afternoon at two o'clock.

Taken from the Table

Senate Bill No. 41, An act relative to the staff of the Governor as Commander-in-Chief, was taken from the table.

The question being on the adoption of the amendment printed in the Journal of March 22nd.

On a *viva voce* vote the affirmative prevailed, the amendment was adopted, and the bill as amended was ordered to a third reading this afternoon at two o'clock.

Senator Otis, for the Committee on Engrossed Bills, to whom was referred:

House Bill No. 169, An act relating to voluntary commitment of patients to the state hospital.

Having considered the same, reported the same with the following amendment and recommended that the bill as amended ought to pass.

Amend said bill by striking out section 1 and inserting in place thereof the following: 1. *Patients at State Hospital.* Amend chapter 17 of the Revised Laws by striking out section 19 and inserting in place thereof the following: 19. *Voluntary Commitment; Penalty.* Pursuant to rules and regulations established by the superintendent of the state hospital, the state hospital may receive and detain therein as a patient any person suitable for care and treatment, who voluntarily makes written application therefor on a form prescribed by the superintendent, or if such person be under twenty-one years of age such written application shall be made by the parent or legal guardian or person standing *in loco parentis* of such person. In the discretion of the superintendent of the state hospital such patient may be detained for the purpose of care and treatment until fifteen days after receipt of notice in writing from such patient of his intention or desire to leave the state hospital, or if such patient be under twenty-one years of age, until fifteen days after receipt of notice in writing, stating such intention or desire of the parent or legal guardian or person standing *in loco parentis* of such patient;

provided, however, that such notice in writing shall in no event effect a release of such patient until sixty days from his admission to the state hospital. The charges for the support of such patient at the state hospital shall be governed by the provisions for the support of an insane person therein if the written approval of the commission of mental health shall be obtained. Any person violating the provisions of this or the preceding sections shall be fined not more than one hundred dollars.

On a *viva voce* vote the amendment was adopted, and the bill as amended was sent to the House of Representatives for concurrence in Senate amendment.

Bills Engrossed

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled bills:

House Bill No. 91, An act relating to gross weight of motor vehicles.

House Bill No. 339, An act relating to the change of name of the Concord Building and Loan Association.

House Bill No. 353, An act relating to name and shares of building and loan associations.

House Bill No. 340, An act relating to limitations upon accounts of building and loan associations.

SARA OTIS,
For the Committee.

On motion of Senator Spollett the following resolution was adopted:

Resolved, That the rules be so far suspended as to permit all business in order for this afternoon at two o'clock to be made in order at the present time.

Third Readings

The following entitled bills were read a third time and passed:

Senate Bill No. 41, An act relative to the staff of the Governor as commander-in-chief.

Senate Bill No. 42, An act relative to adoption of rules and regulations by the state board of fire control.

Senate Bill No. 52, An act legalizing school district meeting in the town of Lyndeborough, held in March, 1949.

House Bill No. 177, An act relating to zoning in towns.

House Bill No. 372, An act designating Route No. 4 and the new toll road connecting Route No. 1 in Maine with Route No. 1 in Massachusetts as the Blue Star Memorial Highway.

On motion of Senator Butman the Senate adjourned.

THURSDAY, MARCH 24, 1949

The Senate met according to adjournment.

Leaves of Absence

The following named senators were granted a leave of absence for the day on account of important business: Senators Reinhart and Hartnett.

President Bass announced to the membership of the Senate that an advisory opinion from the supreme court addressed to the Senate had been received, in relation to the constitutionality of House Bill No. 249, An act relative to mileage allowance for members of the Legislature, with amendment as proposed, which had been sent to them requesting an advisory opinion, which was read by the Clerk.

To the Honorable Senate:

The undersigned Justices of the Supreme Court make the following answer to the inquiry contained in your resolution filed March 16, 1949: "Do the provisions of House Bill No. 249, An act relative to mileage allowance for members of the Legislature, with amendment as proposed, violate the Constitution of New Hampshire with respect to part second, Article 15, or with respect to any other provision of the Constitution?"

Pursuant to the proposed bill, a member of the Legislature would be allowed mileage for each round trip from his residence to the capitol and return, at rates commencing at ten cents a mile and progressively decreasing to eight, six, and five cents a mile, in inverse proportion to the length of the trip. The rates prescribed are sufficiently related to the cost of travel or the amount which would be expended by any

individual legislator in making such a trip as to be within constitutional limits. *Opinion of the Justices*, February 17, 1949.

Section 1 of the bill provides that round trip mileage shall be allowed "for each day of attendance" at the rates specified and that mileage shall not be allowed a member for any day when he is absent. Section 4 likewise provides that mileage accrued since January 1, the effective date of the act, shall depend upon "actual attendance" since that date. The requirement of attendance as a prerequisite to the right to the mileage allowance is not only proper, but necessary.

Section 2 of the bill provides that the distance for which mileage shall be allowed to a particular member shall be determined by the Mileage Committee with reference to "the nearest improved highway," and that the amount of the allowance shall be computed by the committee. The proposed amendment to this section contains substantially similar provisions. In addition it provides that the committee's determination of questions of fact shall be final, and that "the fact of attendance of a member on any legislative day shall be prima facie evidence that such member is entitled to the above-stated mileage for such day."

The latter provision injects a conception not found in the original bill. Without the amendment, the right to the allowance would depend solely upon attendance. The provision of the amendment making attendance merely prima facie evidence of a right to mileage suggests that some other criterion may control, but contains no express statement of the ultimate test to be applied. The implication most readily occurring is that actual travel shall be considered the basic prerequisite. No constitutional objection is perceived to the establishment of a rebuttable presumption of actual travel based upon the fact of attendance. As to a majority of members, the presumption would doubtless correspond to actuality. As to members residing beyond convenient overnight travelling distance, it would not. In the latter case, unless the committee should obtain or be furnished with proof that actual travel did not occur, the effect of the presumption would be to entitle such members to mileage on days of attendance, although they did not travel.

The constitutional issue presented by the bill and the amendment seems to be whether actual travel, however established, is a constitutional prerequisite to the right to receive the mileage allowance. In our opinion it is not. The Constitution contains no elaboration of what was intended by "mileage." The word is commonly defined as an allowance for traveling expense at a specified rate or rates per mile. Conceivably such an allowance might be established as reimbursement for expense actually incurred in travel, or it might be furnished as provision for travel considered to be proper, leaving to the discretion of the recipient the use to be made of the allowance.

We find nothing in the constitutional provision which compels adoption of one interpretation of the word "mileage" in preference to the other. You are accordingly advised that in our opinion the bill is constitutional either with or without the suggested amendment, and your inquiry is answered in the negative.

OLIVER W. BRANCH,
FRANK R. KENISON,
LAURENCE I. DUNCAN,
AMOS N. BLANDIN, JR.

March 23, 1949.

In my opinion the provisions of House Bill No. 249 with amendment as proposed violate the Constitution of New Hampshire, Part Second, Article 15, because they allow payment of mileage for each day of attendance irrespective of actual travel.

The following definition of the word "mileage" is taken from 27 Words and Phrases 172 and is its ordinary meaning. " 'Mileage' is defined in the Century Dictionary as payment allowed to a public functionary for the expenses of travel in the discharge of his duties, according to the number of miles passed over. The same definition substantially is found in Bouvier's and other law dictionaries." *Richardson v. State*, 66 Ohio St. 108. It is true that by appropriate language the term can be extended beyond the usual sense. However, no such language was used in the Constitution. The words of the Constitution are to be construed in their natural and ordinary meaning. It is not the natural and ordinary meaning of the

term "mileage," that it should include an allowance for travel when there is no travel.

Nor does the suggested amendment that the fact of attendance on a particular day shall be *prima facie* evidence that a member is entitled to mileage for such day render the bill constitutional. The amendment is an evasion of the constitutional requirement that no mileage be paid without actual travel. The test for the right to mileage is made, in effect, attendance and not actual travel. Moreover, for many members on many days the fact of attendance has no probative force in determining the fact of travel from their respective homes on those days. Finally, the *prima facie* provision is entirely unnecessary for establishing travel in fact, since the statements of members may be obtained for that purpose as readily as for determining attendance.

FRANCIS W. JOHNSTON.

March 23, 1949.

Senator C. Cummings introduced a committee report not previously advertised in the Journal.

Senator O'Malley, for the Committee on Finance, to whom was referred:

House Bill No. 249, An act relative to mileage allowance for members of the Legislature.

Having considered the same, reported the same without amendment and recommended its passage.

The report was accepted, and the bill was ordered to a third reading this afternoon at two o'clock.

Communication

President Bass announced the receipt of a communication from the office of Governor Sherman Adams, relative to a resolution adopted by the Conference of New England Governors, which was read by the Clerk:

Settlement Standards

Resolved, That there shall be established a conference of the public welfare authorities of the several New England states which conference shall make studies and report back to the Conference of New England Governors for the purpose of establishing uniform settlement standards for public welfare benefits throughout the New England States.

House Message

The following message was received from the House of Representatives by its Clerk:

Mr. President:

The House of Representatives has passed the following entitled bills, in the passage of which it asks the concurrence of the Honorable Senate:

House Bill No. 43, An act relative to care of lumber slash.

House Bill No. 44, An act relating to the felling of trees on boundary lines.

House Bill No. 82, An act relating to penalty in registration of saw mills and brush disposal.

House Bill No. 259, An act relative to taking salmon and aureolus in Lake Sunapee.

House Bill No. 328, An act relative to removal of slash and storage of combustibles near saw mills.

The message further stated that the House of Representatives has voted to concur with the Honorable Senate in its amendments to the following entitled bills:

House Bill No. 64, An act pertaining to the practice of dentistry.

House Bill No. 369, An act relative to service exemptions for war veterans.

The message further stated that the House of Representatives has voted to concur with the Honorable Senate in its adoption of the amendments offered by the Committee on Engrossed Bills to the following entitled bill:

House Bill No. 140, An act relative to mineral oil in foods and guarantee to dealer relative to original packages of food.

Read and Referred

The following entitled bills, sent up from the House of Representatives, were read a first and second time, and referred:

To the Committee on Fisheries and Game, Forestry and Recreation:

House Bill No. 43, An act relative to care of lumber slash.

House Bill No. 44, An act relating to the felling of trees on boundary lines.

House Bill No. 82, An act relating to penalty in registration of saw mills and brush disposal.

House Bill No. 259, An act relative to taking salmon and aureolus in Lake Sunapee.

House Bill No. 328, An act relative to removal of slash and storage of combustibles near saw mills.

Committee Reports

Senator O'Malley, for the Committee on Finance, to whom was referred:

House Bill No. 358, An act providing for a temporary pay increase for state employees.

Having considered the same, reported the same without amendment and recommended its passage.

The report was accepted, and the bill was ordered to a third reading this afternoon at two o'clock.

Senator Noel moved that the rules be suspended and that the above entitled bill be put on its third reading and final passage at the present time.

On a *viva voce* vote the affirmative prevailed, and the above entitled bill was read a third time and passed at the present time.

Senator Noel moved that the Senate reconsider its vote on:

House Bill No. 358, An act providing for a temporary pay increase for state employees.

On a *viva voce* vote the negative prevailed, and the motion to reconsider was lost.

Senator O'Malley, for the Committee on Finance, to whom was referred:

Senate Joint Resolution No. 7, Joint resolution providing for a committee to study hospital care and rates.

Having considered the same, reported the same without amendment and recommended its passage.

The report was accepted, and the joint resolution was ordered to a third reading this afternoon at two o'clock.

Senator Butman, for the Committee on Banks and Insurance, to whom were referred:

Senate Bill No. 53, An act relative to limitation on amount of fraternal benefit society payments.

Senate Bill No. 60, An act relating to the change of name of the Hampton Co-Operative Building and Loan Association.

House Bill No. 370, An act relative to insurance rating organizations.

House Bill No. 410, An act changing the name of People's Building and Loan Association of Rochester to Peoples' Co-Operative Savings Bank of Rochester.

Having considered the same, reported the same without amendment and recommended their passage.

The reports were accepted, and the bills were ordered to a third reading this afternoon at two o'clock.

Senator Lalumiere, for the Committee on Transportation, to whom was referred:

House Bill No. 1, in new draft and new title, An act relative to operation of automobiles when approaching school busses, school bus signs, and stop signals.

Having considered the same, reported the same without amendment and recommended its passage.

The report was accepted, and the bill was ordered to a third reading this afternoon at two o'clock.

Senator Lalumiere, for the Committee on Transportation, to whom was referred:

House Bill No. 144, An act relative to the operation of a motor vehicle transporting inflammable liquids.

Having considered the same, reported the same with the following amendment and recommended that the bill as amended ought to pass.

Amend section 1 of the bill by striking out the whole of said section and inserting in place thereof the following:

1. *Motor Vehicle Operation.* Amend chapter 119 of the Revised Laws by inserting after section 48 the following new section: 48-a. *Inflammable Liquids.* Every motor vehicle used for the transportation of inflammable liquids in cargo tanks whether loaded or empty, shall, upon approaching any railroad grade crossing, be brought to a full stop not more than fifty feet and not less than ten feet from the nearest rail of such grade crossing, and shall not proceed until due caution

has been taken to ascertain that the course is clear. Any person convicted of a violation of any provision of this section, shall be fined not more than twenty-five dollars for the first offense and not more than one hundred dollars for any subsequent offense committed during any calendar year, and for such conviction hereunder the commissioner may revoke his license to operate a motor vehicle and no new license shall be issued to such person for at least ninety days after the date of such revocation.

Amend the title of the bill by inserting after the word "vehicle," the words, used in, so that said title as amended shall read: An act relative to the Operation of a Motor Vehicle used in Transporting Inflammable Liquids.

Senator Wiggin explained the amendment to the membership of the Senate.

The report was accepted, amendment adopted, and the bill as amended was ordered to a third reading this afternoon at two o'clock.

Senator Lalumiere, for the Committee on Transportation, to whom was referred:

House Bill No. 253, An act relating to parking of motor vehicles.

Having considered the same, reported the same with the following amendment and recommended that the bill as amended ought to pass:

Amend said bill by striking out all after the enacting clause, and inserting in place thereof the following:

1. *Motor Vehicles.* Amend section 26 of chapter 119 of the Revised Laws by striking out said section and inserting in place thereof the following: 26. *Parking.* No person shall park or leave standing any vehicle, whether attended or unattended, upon the paved or improved or main traveled portion of any highway outside of a business or residence district or compact section except as hereinafter provided:

I. When the vehicle is so disabled that it must be temporarily left in such position.

II. When a law enforcement officer shall order the person to stop or leave his vehicle on said highway.

III. When the vehicle with no more than two wheels upon said paved or improved portion of the highway is left standing temporarily thereon for the purpose of leaving or taking on passengers or for necessary loading or unloading or for making necessary minor repairs to the vehicle.

IV. On a class V highway when it is not practicable to park or leave such vehicle standing off that portion of such highway, provided that in no event shall any person so park or leave standing any vehicle on said highway unless a clear view thereof may be obtained from a distance of two hundred feet in each direction and unless a clear and unobstructed way of not less than ten feet upon the main traveled portion of said highway shall be left for free passage of other vehicles.

2. *Takes Effect.* This act shall take effect upon its passage.

The report was accepted, and the bill and the accompanying amendment was laid on the table to be printed in the Journal under the rules.

Senator Lalumiere, for the Committee on Transportation, to whom was referred:

House Bill No. 378, An act relating to binder chains on loads of logs, lumber and timber.

Having considered the same, reported the same with the following amendment, and recommended that the bill as amended ought to pass:

Amend section 1 of said bill by striking out the same and inserting in place thereof the following:

1. *Motor Trucks, Trailers.* Amend chapter 119 of the Revised Laws by inserting after section 38 the following new section: 38-a. *Binder Chains.* No motor truck, trailer or semi-trailer while being used to transport a load of logs, lumber or timber, the height of which with load is greater than eight feet and the length of which is greater than eight feet shall be operated on the highways of this state unless each such loan on each such unit is bound by three chains and binders, said chains made of not less than three-eighths inch wire, and unless said chains and binders are held firmly in place and are properly spaced to secure the load.

The report was accepted, amendment adopted, and the bill as amended was ordered to a third reading this afternoon at two o'clock.

Senator Lalumiere, for the Committee on Transportation, to whom was referred:

Senate Bill No. 54, An act relative to equipment on motor vehicles.

Having considered the same, reported the same with the following resolution:

Resolved, That it is inexpedient to legislate.

The report was accepted, and the recommendation of the committee adopted.

Senator Lalumiere, for the Committee on Transportation, to whom was referred:

House Bill No. 156, An act relating to the dimming of lights on motor vehicles.

Having considered the same, reported the same without amendment and recommended its passage.

The report was accepted.

Senator Spollett requested that she be put on record as opposed to the passage of the above entitled bill.

Senator Pierce moved that the bill be indefinitely postponed.

On a *viva voce* vote the Chair was in doubt.

President Bass requested a division.

Twelve senators having voted in the affirmative and nine senators having voted in the negative, the affirmative prevailed and House Bill No. 156, An act relative to the dimming of lights on motor vehicles was indefinitely postponed.

Senator Caron, for the Committee on Public Health, to whom was referred:

House Bill No. 227, An act relating to the practice of embalming and funeral directing.

Having considered the same, reported the same with the following amendment and recommended that the bill as amended ought to pass.

Amend section 13 of the bill by adding at the end thereof the following sentence, Provided, however, that a one year

apprenticeship only shall be required of any person now registered as an apprentice or now attending an embalming school as aforesaid, so that said section as amended shall read as follows:

13. *Embalmers.* No person shall embalm dead human bodies or engage or hold himself out as engaged in embalming whether on his own behalf or in the employ of another, unless he shall be at least twenty-one years of age, a citizen of the United States, be of good moral character, shall hold a diploma or certificate showing completion of a high school course or its equivalent, shall have completed a two-year course in apprenticeship under the supervision and instruction of a duly registered embalmer actively engaged in embalming in this state and shall have completed a full course of instruction in an embalming school maintaining at that time a standard satisfactory to the board, and pass such examinations as the board may deem proper to ascertain his efficiency and qualifications to engage in embalming, and obtain a certificate of registration from the board to that effect. Provided, however, that a one year apprenticeship only shall be required of any person now registered as an apprentice or now attending an embalming school as aforesaid.

The report was accepted, amendment adopted, and the bill as amended was ordered to a third reading this afternoon at two o'clock.

Senator Otis, for the Committee on Engrossed Bills, to who was referred:

House Bill No. 358, An act providing for a temporary pay increase for state employees.

Having considered the same, reported the same under Joint Rule No. 6, with the following amendment, and recommended that the bill as amended ought to pass:

Amend the title of said bill by striking out the same and inserting in place thereof the following:

An act providing for a cost of living bonus for state employees.

The report was accepted, amendment adopted, and the bill as amended was sent to the House of Representatives for concurrence in Senate amendment.

Bills Engrossed

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled bills:

Senate Joint Resolution No. 9, Joint resolution relative to the estate of D. Salmon Whitcomb.

Senate Bill No. 15, An act relating to the tenure and bond of the State Treasurer.

SARA OTIS,
For the Committee.

Introduction of Bills

Senator Pierce, under a suspension of the rules, sixteen senators actually having voted in favor thereof, introduced the following entitled bills, which were read a first and second time, laid on the table to be printed, and referred to the Committee on Public Works:

Senate Bill No. 68, An act relating to the construction and financing of a new water main in the town of Troy.

Senate Bill No. 69, An act extending the powers of the North Walpole Village Precinct.

Senator Bingham, under a suspension of the rules, sixteen senators actually having voted in favor thereof, introduced the following entitled bill, which was read a first and second time, laid on the table to be printed, and referred to the Committee on Public Welfare and State Institutions:

Senate Bill No. 70, An act relative to Couvent de la Presentation de Marie.

On motion of Senator Spollett the following resolution was adopted:

Resolved, That the rules be so far suspended as to permit all business in order for this afternoon at two o'clock to be made in order at the present time.

Third Readings

The following entitled bills were read a third time, and passed:

House Bill No. 1, An act relative to operation of motor vehicles when approaching school busses, school bus signs and stop signals.

House Bill No. 144, An act relative to the operation of a motor vehicle used in transporting inflammable liquids.

House Bill No. 227, An act relating to the practice of embalming and funeral directing.

House Bill No. 249, An act relative to mileage allowance for members of the Legislature.

House Bill No. 370, An act relative to insurance rating organizations.

House Bill No. 378, An act relating to binder chains on loads of logs, lumber and timber.

House Bill No. 410, An act changing the name of Peoples Building and Loan Association of Rochester to People Co-operative Savings Bank of Rochester.

Senate Bill No. 53, An act relative to limitation on amount of fraternal benefit society payments.

Senate Bill No. 60, An act relating to the change of name of the Hampton Co-operative Building and Loan Association.

Senate Joint Resolution No. 7, Joint resolution providing for a committee to study hospital care and rates.

On motion of Senator Tarlson the following resolution was adopted:

Resolved, That when the Senate adjourns today it be to meet Tuesday morning at 11:00 o'clock.

On motion of Senator Bingham the order whereby Senate Bill No. 70, An act relative to Couvent de la Presentation de Marie was referred to the Committee on Public Welfare and State Institutions was vacated, and the above entitled bill was referred to the Committee on Judiciary.

On motion of Senator Butman the Senate adjourned.

TUESDAY, MARCH 29, 1949

The Senate met according to adjournment.

Leave of Absence

Senator Lalumiere was granted a leave of absence on account of sickness.

House Message

The following message was received from the House of Representatives, by its Clerk:

Mr. President:

The House of Representatives has passed the following entitled bills and joint resolution, in the passage of which it asks the concurrence of the Honorable Senate:

House Bill No. 172, An act relative to regulation of subdivision of land under municipal planning.

House Bill No. 402, An act empowering the superior court to make orders for support in certain cases.

House Joint Resolution No. 6, Joint resolution directing the establishment of an Interim Commission to make a study of the laws of the United States and other states and to formulate and prepare a report for submission to the governor and council on or before January 1, 1951 for the protection of the democratic principles of government and ideals in this state and for the exposure and expurgation of subversive activities in the state of New Hampshire.

The message further stated that the House of Representatives refused to concur with the Honorable Senate in the passage of the following entitled bill, sent down from the Honorable Senate:

Senate Bill No. 34, An act relative to motor vehicle violations.

The message further stated that the House of Representatives had voted to concur with the Honorable Senate in its amendments to the following entitled bill:

House Bill No. 169, An act relating to voluntary commitment of patients to the state hospital.

The message further stated that the House of Representatives had voted to concur with the Honorable Senate in its adoption of the amendments offered by the Committee on Engrossed Bills to the following entitled bills:

House Bill No. 358, An act providing for a temporary pay increase for state employees.

House Bill No. 350, An act relating to changing the name of Long Pond in Hollis.

The message further stated that the House of Representatives had voted to concur with the Honorable Senate in the passage of the following entitled bills, sent down from the Honorable Senate:

Senate Bill No. 36, An act relative to the Peterborough Home for the Aged.

Senate Bill No. 29, An act in relation to notice of petitions for right to appeal from decrees of probate courts.

The message further stated that the House of Representatives concurs with the Honorable Senate in the passage of the following entitled bill, with amendments, in the passage of which amendments the House of Representatives asked the concurrence of the Honorable Senate:

Senate Bill No. 24, An act relating to claims and liens against estates.

Amend section 1 of said bill by striking out in line 3 the word "real"; by inserting after the word "any" in line 4 the words, residing with the recipient; by striking out the words "owns real estate" in line 10 and inserting in place thereof the words, resides or owns property; and by inserting after the word "any" in line 18 the words, residing with the applicant, so that said section as amended shall read as follows:

1. *Estates.* Amend chapter 126 of the Revised Laws by striking out section 32 and inserting in place thereof the following new sections: 32. *Claims and Liens.* The estate of every recipient, and the spouse of the recipient, if any, residing with the recipient, owned severally or as joint tenants, shall be holden for all assistance granted to the recipient. All such liens shall continue during the lifetime of the recipient and the spouse of the recipient, if any, unless sooner released by the commissioner. Within thirty days after the first grant of assistance to a recipient, the commissioner shall file with the register of deeds of the county in which the recipient, and the spouse of the recipient, if any, resides or owns property, notice of the lien, together with the name of the recipient, and the spouse of the recipient, if any. The register of deeds shall keep a suitable record of such notices without charging any fee therefor and enter thereon an acknowledgment of satisfaction upon written request of the commissioner.

32-a. *Condition.* The commissioner shall require as a condition to granting old age assistance in any case that the

applicant, and the spouse of the applicant, if any, residing with the applicant, submit a properly acknowledged agreement to reimburse the federal government, the state and the county or town for all assistance granted. In such agreement such applicant, and the spouse of the applicant, if any, shall assign as collateral security for such assistance such part of his personal property as the commissioner shall demand. All funds recovered under the provisions of this and the preceding section, after any necessary reimbursement to the federal government as provided in section 19 shall be allocated to the county or town and to the state in the same proportion as the assistance paid by each.

33-b. *Existing Liens.* All liens for old age assistance existing at the time of the passage of this act shall continue unaffected by this act until discharged by the commissioner.

On motion of Senator Reinhart the Senate voted to concur with the House of Representatives in the adoption of the amendment offered by the Committee on Engrossed Bills.

Read and Referred

The following entitled bills and joint resolution, sent up from the House of Representatives, were read a first and second time and referred:

To the Committee on Public Works:

House Bill No. 172, An act relative to regulation of subdivision of land under municipal planning.

To the Committee on Judiciary:

House Bill No. 402, An act empowering the superior court to make orders for support in certain cases.

To the Committee on Education:

House Joint Resolution No. 6, Joint resolution directing the establishment of an Interim Commission to make a study of the laws of the United States and other states and to formulate and prepare a report for submission to the governor and council on or before January 1, 1951 for the protection of the democratic principles of government and ideals in this state and for the exposure and expurgation of subversive activities in the state of New Hampshire.

Introduction of Bills

Senator Otis, under a suspension of the rules, sixteen senators actually having voted in favor thereof, introduced the following entitled bill, which was read a first and second time, laid on the table to be printed, and referred to the Committee on Education.

Senate Bill No. 71, An act relative to intimidation of members of the General Court.

Senator E. Cummings, under a suspension of the rules, sixteen senators actually having voted in favor thereof, introduced the following entitled bill, which was read a first and second time, laid on the table to be printed, and referred to the Committee on Transportation:

Senate Bill No. 72, An act relating to winter maintenance of highways.

Senator Hartnett, under a suspension of the rules, sixteen senators actually having voted in favor thereof, introduced the following entitled bill, which was read a first and second time, laid on the table to be printed, and referred to the Committee on Judiciary:

Senate Bill No. 73, An act in relation to the assessment of taxes.

Senator Hayes, under a suspension of the rules, sixteen senators actually having voted in favor thereof, introduced the following entitled bill, which was read a first and second time, laid on the table to be printed, and referred to the Committee on Transportation:

Senate Bill No, 74, An act relative to taxicabs.

Senator Bingham, under a suspension of the rules, sixteen senators actually having voted in favor thereof, introduced the following entitled bill, which was read a first and second time, laid on the table to be printed, and referred to the Committee on Judiciary:

Senate Bill No. 75, An act providing for a people's council connected with the Public Service Commission.

Introduction of Guests

President Bass welcomed as guests of the Senate the Republican Women Workers of Belknap County, also the Junior

and Senior classes of the Goffstown High School, Headmaster. Robert G. Bailey and Henry Vittum as guests of A. Kenneth Hambleton of the House of Representatives, from Goffstown.

Committee Reports

Senator Caron, for the Committee on Public Health, to whom was referred:

House Bill No. 40, An act relating to fees for returns of vital statistics.

Having considered the same, reported the same with the following resolution:

Resolved, That it is inexpedient to legislate.

The report was accepted, and the recommendation of the committee was adopted.

Recess

The Senate re-assembled.

Senator Caron, for the Committee on Public Health, to whom was referred:

Senate Bill No. 51, An act relative to the licensing of practical nurses.

Having considered the same, reported the same with the following amendment, and recommended that the bill as amended ought to pass:

Amend section 10 of the bill by inserting after the words "to so practice" in the third line, the following: "Provided, however, none of the provisions of this act shall prohibit nursing or the care of the sick with or without compensation or personal profit when done by the adherents of and in connection with the practice of the religious tenets of any widely established church or denomination so long as they do not otherwise engage in the practice of nursing; so that said section as amended shall read:

10. *Prohibition.* No person shall engage in practical nursing in this state unless he has received a certificate of qualification to practice and unless he has received an annual permit to so practice. Provided, however, none of the provisions of this act shall prohibit nursing or the care of the sick with or without compensation or personal profit when done by the adherents of and in connection with the practice

of the religious tenets of any widely established church or denomination so long as they do not otherwise engage in the practice of nursing.

The report was accepted.

Senator Hartnett spoke briefly on the amendment.

The question being stated, Shall the amendment be adopted?

On a *viva voce* vote the affirmative prevailed, and the amendment was adopted, and the bill was ordered to a third reading this afternoon at two o'clock.

Senator Caron, for the Committee on Public Health, to whom was referred:

Senate Bill No. 62, An act relative to the practice of pharmacy.

Having considered the same, reported the same with the following resolution:

Resolved, That it is inexpedient to legislate.

The report was accepted, and the recommendation of the committee was adopted.

Taken from the Table

House Bill No. 253, An act relating to parking of motor vehicles, was taken from the table.

The question being on the adoption of the amendment which was printed in the Journal of March 24.

On a *viva voce* vote the affirmative prevailed, the amendment was adopted, and the bill as amended was ordered to a third reading this afternoon at two o'clock.

Committee Reports

Senator Otis, for the Committee on Engrossed Bills, to whom was referred:

House Bill No. 249, An act relative to mileage allowance for members of the legislature.

Having considered the same, reported the same, under Joint Rule No. 6, with the following amendment and recommended that the bill as amended ought to pass:

Amend section 4 of said bill by striking out the last three lines and inserting in place thereof the following: additional

mileage for the period from January 1 to the date of the approval of this act unless the Committee on Mileage shall be satisfied as to his actual attendance during said period.

On motion of Senator Otis the report was accepted, the amendment adopted, and the bill as amended was sent to the House of Representatives for concurrence in Senate amendment.

Senator Otis, for the Committee on Engrossed Bills, to whom was referred:

House Bill No. 370, An act relative to insurance rating organizations.

Having considered the same, reported the same, under Joint Rule No. 6, with the following amendment and recommended that the bill as amended ought to pass.

Amend section 1 of said bill by inserting before the word "chapter" in the eighth line the words and figures, chapter 329-A of the Revised Laws as inserted by,

On motion of Senator Otis, the report was accepted, amendment adopted, and the bill as amended was sent to the House of Representatives for concurrence in Senate amendment.

Senator Otis, for the Committee on Engrossed Bills, to whom was referred:

House Bill No. 410, An act changing the name of People's Building and Loan Association of Rochester to People's Co-Operative Savings Bank of Rochester.

Having considered the same, reported the same, under Joint Rule No. 6, with the following amendment and recommended that the bill as amended ought to pass.

Amend the title of the bill by striking out the word, "Savings."

On motion of Senator Otis, the report was accepted, amendment adopted, and the bill as amended was sent to the House of Representatives for concurrence in Senate amendment.

Majority-Minority Report

The majority of the Committee on Judiciary, to whom was referred:

Senate Bill No. 12, An act relative to rate of return on investment in electric, telephone and/or telegraph, public utilities.

Having considered the same, reported the same with the following resolution:

Resolved, That it is inexpedient to legislate.

ARTHUR REINHART,
GEORGE TARLSON,
CHARLES HARTNETT,
THOMAS O'MALLEY,

For a Majority of the Committee.

The minority of the Committee on Judiciary, to whom was referred:

Senate Bill No. 12, An act relative to rate of return on investment in electric, telephone, and/or telegraph, public utilities.

Having considered the same, reported the same with the following amendment and recommended that the bill as amended ought to pass.

Amend section 1 of the bill by striking out the whole of said section and substituting in place thereof the following:

1. *Public Utilities.* Amend chapter 289 of the Revised Laws by inserting after section 2 the following new section:
2-a. *Presumptions.* In the case of the public utilities a return of more than five and one-half per cent (5½%) on the legal rate base shall be presumed unreasonable, said presumption being rebuttable by proof beyond a reasonable doubt to the contrary.

ENGINE S. DANIELL,
ROBERT P. BINGHAM,
SARA E. OTIS,

For a Minority of the Committee.

The report of the majority was accepted.

Senator Daniell moved that the report of the minority, ought to pass with amendment be substituted for that of the majority, inexpedient to legislate.

(Discussion ensued)

Senators Daniell and Bingham spoke in favor of substitution.

Senators Reinhart, Hartnett, Burbank, McMeekin and C. Cummings spoke in opposition to the substitution.

The question being stated, shall the report of the minority be substituted for that of the majority.

On a *viva voce* vote, the negative prevailed, and the motion to substitute was lost.

The question being on the adoption of the resolution offered by the committee, inexpedient to legislate.

Senator Daniell rose and addressed the Senate.

Senator McMeekin rose to a point of personal privilege, requesting from the Chair a ruling upon the parliamentary procedure.

President Bass ruled that the Speaker was out of order, because the Senator's remarks were in no way germane to the question.

Senator Daniell did not appeal the ruling of the Chair.

Senator C. Cummings moved the previous question, it being, Shall the main question now be put?

On a *viva voce* vote the affirmative prevailed.

The main question being upon the resolution offered by the committee, inexpedient to legislate.

On a *viva voce* vote the affirmative prevailed, and the bill was killed.

Senator Bingham moved that the Senate adjourn.

On a *viva voce* vote the negative prevailed.

Senator Reinhart moved that the Senate reconsider its vote whereby it adopted the resolution of the committee, inexpedient to legislate on Senate Bill No. 12, An act relative to rate of return on investment in electric, telephone and/or telegraph, public utilities.

On a *viva voce* vote the negative prevailed, and the motion to reconsider was lost.

On motion of Senator Ainsworth the Senate voted to allow the Committee on Fisheries and Game, Forestry and Recreation to hold a public hearing in the Senate Chamber on Tuesday, March 29, after the morning session.

Bills Engrossed

The Committee on Engrossed Bills have examined, and found correctly engrossed the following entitled bills:

Senate Bill No. 35, An act relative to registration of motor vehicles.

House Bill No. 1, An act relative to operation of motor vehicles when approaching school busses, school bus signs and stop signals.

House Bill No. 3, An act relative to the practice of optometry.

House Bill No. 169, An act relating to voluntary commitment of patients to the state hospital.

House Bill No. 177, An act relating to zoning in towns.

House Bill No. 350, An act relating to changing the name of Long Pond in Hollis.

House Bill No. 358, An act providing for a cost of living bonus for state employees.

House Bill No. 372, An act designating Route No. 4, and the new toll road connecting Route No. 1 in Maine with Route No. 1 in Massachusetts as the Blue Star Memorial Highway.

SARA OTIS,
For the Committee.

On motion of Senator Spollett, the rules were so far suspended as to permit all business in order for this afternoon at two o'clock to be made in order at the present time.

Third Readings

The following entitled bills were read a third time and passed:

House Bill No. 253, An act relating to parking motor vehicles.

Senate Bill No. 51, An act relative to the licensing of practical nurses.

On motion of Senator Bingham the Senate adjourned.

WEDNESDAY, MARCH 30, 1949

The Senate met according to adjournment.

Introduction of Bills and Joint Resolution

Senator E. Cummings, under a suspension of the rules, sixteen senators actually having voted in favor thereof, introduced the following entitled bill, which was read a first and second time, laid on the table to be printed, and referred to the Committee on Fisheries and Game, Forestry and Recreation:

Senate Bill No. 77, An act relative to legal length of brook trout.

Senator Pierce, under a suspension of the rules, sixteen senators actually having voted in favor thereof, introduced the following entitled bill, which was read a first and second time, laid on the table to be printed, and referred to the Committee on Public Works:

Senate Bill No. 76, An act relative to the village district of Walpole.

Senator Noel, under a suspension of the rules, sixteen senators actually having voted in favor thereof, introduced the following entitled joint resolution, which was read a first and second time, laid on the table to be printed, and referred to the Committee on Finance:

Senate Joint Resolution No. 13, Joint resolution in favor of Blanche B. Couture.

Committee Reports

Senator Bingham, for the Committee on Judiciary, to whom was referred:

House Bill No. 136, An act relative to liens on logs, lumber or pulpwood for advances made.

Having considered the same, reported the same with the following amendment, and recommended that the bill as amended ought to pass:

Amend section 1 of the bill by adding the following new sub-section: (d) If requested in writing by anyone interested in any logs, lumber or pulpwood on which there is a lien as provided in this section, such lienor shall give in writing and under oath to such interested party so requesting within fifteen days,

an account, up to the date of the giving thereof, of all advances claimed to be secured by said lien and on failure to furnish such account as herein provided said lien shall be voided as against the party making said request. Mailing said account by registered mail postpaid to the party making the request shall be deemed full compliance with this provision.

The report was accepted.

Senator Reinhart explained the amendment to the membership of the Senate.

The question being stated, Shall the amendment be adopted?

On a *viva voce* vote the affirmative prevailed, the amendment was adopted, and the bill as amended was ordered to a third reading this afternoon at two o'clock.

Senator Bingham, for the Committee on Judiciary, to whom was referred:

House Bill No. 120, An act relating to investments of trustees.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted, and the bill was ordered to a third reading this afternoon at two o'clock.

Senator Otis, for the Committee on Engrossed Bills, to whom was referred:

House Bill No. 213, An act relating to the introduction of bills, and to the printing of bills and journals.

Having considered the same, reported the same, under Joint Rule No. 6, with the following amendment, and recommended that the bill as amended ought to pass:

Amend section 1 of said bill by striking out the first six lines and inserting in place thereof the following:

1. *Legislature.* Amend section 26, chapter 9, Revised Laws, by striking out said section and inserting in place thereof the following: 26. *Proposed Bills.* Any senator-elect or representative-elect, on and after December first, may file with the secretary of state such bills as he desires to introduce. The secretary of state, at some convenient time during the month of November, shall notify each senator-elect and representative-elect of the provisions

On motion of Senator Otis, the Senate voted to adopt the amendment, and the bill as amended was sent to the House of Representatives for concurrence in Senate amendment.

On motion of Senator Spollett the following resolution was adopted:

Resolved, That the rules be so far suspended as to permit all business in order for this afternoon at two o'clock be made in order at the present time.

Third Readings

The following entitled bills were read a third time and passed:

House Bill No. 136, An act relative to liens on logs, lumber, or pulpwood for advances made.

House Bill No. 120, An act relating to investments of trustees.

On motion of Senator Butman the Senate adjourned.

THURSDAY, MARCH 31, 1949

The Senate met according to adjournment.

Leaves of Absence

Senators Nickerson and Hartnett were granted leaves of absence on account of important business.

House Message

The following message was received from the House of Representatives, by its Clerk:

Mr. President:

The House of Representatives has passed the following entitled bill, in the passage of which it asks the concurrence of the Honorable Senate:

House Bill No. 98, An act providing for the classification of certain surface waters.

The message further stated that the House of Representatives refused to concur with the Honorable Senate in the

passage of the following entitled bill, sent down from the Honorable Senate:

Senate Bill No. 38, An act pertaining to burning property.

The message further stated that the House of Representatives had voted to recall from the governor, for further consideration, the following entitled bill:

House Bill No. 369, An act relative to service exemption for war veterans.

The message further stated that the House of Representatives had voted to non-concur with the Honorable Senate in its adoption of the amendment to the following entitled bill and asked for a Committee of Conference:

House Bill No. 369, An act relative to service exemption for war veterans.

The Speaker appointed as members of such committee, Messrs. Ashley of Lebanon, Eldredge of Exeter and Gagnon of Manchester.

On motion of Senator Daniell the Senate voted to accede to the request of the House of Representatives for a Committee of Conference on the above entitled bill.

The President appointed as members of such committee, on the part of the Senate, Senators Daniell and Caron.

The message further stated that the House of Representatives had voted to concur with the Honorable Senate in the passage of the following entitled bill, sent down from the Honorable Senate:

Senate Bill No. 50, An act legalizing the proceedings of the school meeting in the town of Hudson held on March 5, 1949.

The message further stated that the House of Representatives concurs with the Honorable Senate in the passage of the following entitled bill, with amendments, in the passage of which amendments the House of Representatives asked the concurrence of the Honorable Senate:

Senate Bill No. 3, An act relating to commitment to Veterans' Administration.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1. *Insane Persons.* Amend the Revised Laws by inserting after chapter 219-A, as inserted by chapter 190, Laws of 1943, the following new chapter:

Chapter 219-B.

Commitment to Veterans' Administration.

1. *Commitment to Institutions.* Whenever, in any proceeding under the laws of this state for the commitment of a person alleged to be of unsound mind or otherwise in need of confinement in a hospital or other institution for his proper care, it is determined after such adjudication of the status of such person as may be required by law that commitment to a hospital for mental diseases or other institution is necessary for safekeeping or treatment and it appears that such person is eligible for care or treatment by the veterans' administration or other agency of United States government, the court, or other committing authorities, upon receipt of a certificate from the veterans' administration or such other agency showing that facilities are available and that such person is eligible for care or treatment therein, may commit such person to said veterans' administration or other agency. Upon commitment, such person, when admitted to any facility operated by any such agency within or without this state shall be subject to the rules and regulations of the veterans' administration or other agency. With respect to the person so committed the chief officer of such facility shall have the same power and control over said person as would the superintendent of the state institution to which said person otherwise would have been committed. Jurisdiction is retained in the appropriate court of this state at any time to inquire into the mental condition of the person so committed, and to determine the necessity for continuance of his restraint, and all commitments pursuant to this chapter are so conditioned.

2. *Order of Commitment.* The judgment or order of commitment by a court of competent jurisdiction of another state or of the District of Columbia, committing a person to the veterans' administration, or such other agency of the United States government for care or treatment shall have the same force and effect as to the committed person while in this state as in the jurisdiction in which is situated the court entering the judgment or making the order; and the courts of

the committing state, or of the District of Columbia, shall be deemed to have retained jurisdiction of the person so committed for the purpose of inquiring into the mental condition of such person, and of determining the necessity for continuance of his restraint; as is provided in section 1 of this chapter with respect to persons committed by the courts of this state. Consent is hereby given to the application of the law of the committing state or district in respect to the authority of the chief officer of any facility of the veterans' administration, or of any such institution operated in this state by any other such agency of the United States to retain custody, or transfer, parole or discharge the committed person.

3. *Certification of Available Facilities.* Upon receipt of a certificate of the veterans' administration or such other agency of the United States, as provided in section 1, the superintendent of the institution may cause the transfer of such person to the veterans' administration or other agency of the United States for care or treatment. Upon effecting any such transfer, the committing court or other committing authority shall be notified thereof by the transferring agency. No person shall be transferred to the veterans' administration or other agency of the United States if he be confined pursuant to conviction of any felony or misdemeanor or if he has been acquitted of the charge solely on the ground of insanity, unless prior to transfer the court or other authority originally committing such person shall enter an order for such transfer after appropriate motion and hearing.

4. *Transfer Deemed Commitment.* Any person transferred as provided in this chapter shall be deemed to be committed to the veterans' administration or other such agency of the United States pursuant to the original commitment.

2. *Takes Effect.* This act shall take effect upon its passage.

Senator Daniell moved that the Senate refuse to concur in the amendment sent up from the House of Representatives, and requested a Committee of Conference.

Senator McMeekin explained the amendment to the Senate.

The question being stated, Shall a Committee of Conference be appointed?

On a *viva voce* vote the negative prevailed, and the motion was lost.

On motion of Senator McMeekin the Senate voted to concur in the amendment to the above entitled bill, sent up from the House of Representatives.

Read and Referred

The following entitled bill, sent up from the House of Representatives, was read a first and second time and referred to the Committee on Public Health:

House Bill No. 98, An act providing for the classification of certain surface waters.

Introduction of Guests

President Bass welcomed as guests of the Senate, Miss Mary Hourihan, Mrs. Elizabeth McKelvie Fosher, Mrs. Mary A. McIntyre and Mrs. Elsie Delaney. Mrs. Delaney is president of the Business and Professional Women's Club in Manchester and the ladies were the guests of Senator Caron of Manchester.

Committee Reports

Senator Spollett, for the Committee on Public Works, to whom was referred:

House Bill No. 26, An act relative to public dumps and town appropriations for the collection and removal of garbage and other waste materials.

Having considered the same, reported the same with the following amendment and recommended that the bill as amended ought to pass.

Amend said bill by striking out the paragraph number 26 as inserted by section 1 of the bill and inserting in place thereof the following:

26. *Public Dumping Facilities.* Any town may provide and maintain public dumping facilities for the depositing of garbage or refuse. Any such dumping facilities provided shall be accessible to the public at least one day each week and on such other days and at such hours as the selectmen, board of health, or corresponding public officer may determine.

Senator E. Cummings explained the text of the amendment to the Senate.

The report was accepted, amendment adopted, and the bill as amended was ordered to a third reading this afternoon at two o'clock.

Senator Noel, for the Committee on Ways and Means, to whom was referred:

Senate Bill No. 37, An act relative to pari-mutuel pools at race meets at agricultural fairs.

Having considered the same, reported the same with the following amendment and recommended that the bill as amended ought to pass.

Amend section 1 of said bill by striking out said section and inserting in place thereof the following:

1. *Horse Racing.* Amend section 15 of chapter 171 of the Revised Laws as amended by chapter 83 of the Laws of 1943 and chapter 117 of the Laws of 1945 and by chapter 24 of the Laws of 1949 by striking out said section and inserting in place thereof the following: 15. *Pari Mutuel Pools.* Within the enclosure of any race track where is held a race or race meet licensed and conducted under this chapter, but not elsewhere, the sale of pari mutuel pools by the licensee under such regulations as may be prescribed by said commission is hereby permitted and authorized during the calendar years 1941 to 1956, inclusive. Commissions on such pools shall in no event and at no track, excepting at tracks or race meets conducted solely for harness racing by agricultural fairs where the commissions shall be fifteen per cent, exceed eleven and one-half per cent of each dollar wagered, plus the odd cents of all redistribution to be based upon each dollar wagered exceeding a sum equal to the next lowest multiple of ten, known as "breakage," one-half of which breakage shall be retained by the licensee and the balance shall be paid to the state treasurer for the use of the state in accordance with the provisions of section 2. Said maximum shall include the five per cent tax hereinafter prescribed. For the purpose of the exception set forth in this section, an "agricultural fair" shall be deemed to be such an association as does provide for and pay premiums of five thousand dollars, or more, annually as is determined by the commissioner of agriculture in accordance with section 18 of this chapter.

The report was accepted, amendment adopted, and the bill as amended was ordered to a third reading this afternoon at two o'clock.

Senator Noel, for the Committee on Ways and Means, to whom were referred:

House Bill No. 336, An act relating to payment of poll taxes.

House Bill No. 192, An act authorizing the town of Belmont to issue notes or bonds for water system.

Senate Bill No. 45, An act relative to regulations for places of assembly.

Having considered the same, reported the same with the following resolution:

Resolved, That they are inexpedient to legislate.

The reports were accepted, and the recommendations of the committee were adopted.

Senator Noel, for the Committee on Ways and Means, to whom was referred:

House Bill No. 371, An act relative to the payment of municipal bonds and notes.

Having considered the same, reported the same without amendment and recommended its passage.

The report was accepted, and the bill was ordered to a third reading this afternoon at two o'clock.

Senator Bingham, for the Committee on Judiciary, to whom were referred:

Senate Bill No. 9, An act relative to the governor's council.

Senate Bill No. 46, An act relating to the laying out of Class I and II highways.

Senate Bill No. 70, An act relative to Couvent de la Presentation de Marie.

House Bill No. 248, An act to dissolve certain railroad corporations.

Having considered the same, reported the same without amendment and recommended their passage.

The reports were accepted, and the bills were ordered to a third reading this afternoon at two o'clock.

Senator Bingham, for the Committee on Judiciary, to whom was referred:

Senate Bill No. 64, An act defining sub-jobber under the tobacco act so-called.

Having considered the same, reported the same, in new draft and with new title, and recommended its passage.

The report was accepted, and the bill, in new draft and with new title, was laid on the table to be printed, under the rules.

Senator Caron, for the Committee on Public Health, to whom was referred:

House Bill No. 267, An act relative to prohibiting marriages.

Senator McMeekin rose to a point of personal privilege and requested more information on the bill.

Senator Reinhart, for the Committee on Public Health, explained to the Senate the contents of the bill, and to the satisfaction of Senator McMeekin.

The report was then accepted, and the bill was ordered to a third reading this afternoon at two o'clock.

Senator Caron, for the Committee on Public Health, to whom was referred:

House Bill No. 309, An act relating to drainage into high-ways.

Having considered the same, reported the same without amendment and recommended its passage.

The report was accepted and the bill was ordered to a third reading this afternoon at two o'clock.

Senator Caron, for the Committee on Public Health, to whom was referred:

Senate Bill No. 7, An act relative to the practice of physiotherapy.

Having considered the same, reported the same with the following amendment and recommended that the bill as amended ought to pass.

Amend the bill by striking out all after the enacting clause and substituting therefor the following:

Amend the Revised Laws by inserting after chapter 256 the following new chapter:

Chapter 256-A.

1. *Definitions.* The practice of physiotherapy is hereby defined as the treatment of any person for compensation received or expected by physical means including the use, alone or in combination, of massage, of heat, of light, of water, of electricity, or by any laying on of the hands for the purpose of effecting the relief of any injury or physical ailment.

2. *Board of Registration.* There shall be a board of registration in physiotherapy of five members, whose duty it shall be to administer the provisions hereof. The secretary of this Board shall be ex-officio, the Secretary of Board of Registration in Medicine, and it shall be his duty to issue licenses to applicants who are at present practitioners of physiotherapy in this State, previous to July 1, 1949.

3. *Eligibility.* The remaining members of the board shall be residents of this state who shall have been actively engaged in the practice of physiotherapy within the state for at least one year, two of the members shall be persons meeting the requirements of paragraph 1, section 7, and two of the members shall be persons meeting the requirements of section 2. They shall assume office July 1, 1949.

4. *Appointment; Term; Removal.* One member of the board shall be appointed annually by the Governor, with the advice of the Council, for a term of five years and until his successor is appointed and qualified, provided that for the first appointments the Secretary of the Board of Registration in Medicine shall be appointed for a term of five years and of the remaining members, one member shall be appointed for a term of one year, one for two years, one for three years and one for four years. Appointments to fill vacancies shall be for the unexpired term. The governor and council may remove any member of the board for sufficient cause after due and proper hearing.

5. *License Required.* On and after July 1, 1949, no person shall practice physiotherapy without having first obtained a license. Such license shall be obtained either before July 1, 1949 from the Secretary of the Board of Registration in

Medicine or, on and after July 1, 1949, from the Board of Registration in Physiotherapy.

6. *License of Present Practitioners.* At any time after the passage hereof and before July 1, 1949, the Secretary of the Board of Registration in Medicine shall issue a license to practice physiotherapy to every person who shall apply for same, providing the applicant shall duly certify that he or she is, at the present time engaged in the practice of physiotherapy in this state. The fee for issuance of such license shall be five dollars.

7. *Classification of Licenses.* All licenses to practice physiotherapy, whether issued previous to July 1, 1949, by the Secretary of the Board of Registration in Medicine, or after July 1, 1949 by the Board of Registration in Physiotherapy, shall be allocated to one of three groups:

1. Graduates of schools or colleges of physiotherapy that are accredited by the American Medical Association as approved schools for physical therapy technicians. The holder of such license shall be entitled to use the title of "accredited physical therapy technician."

2. Graduates of a reputable school of physiotherapy not accredited by the American Medical Association. Holders of such licenses shall be entitled to use the title "licensed physiotherapist."

3. All other persons desiring to be licensed for the practice of physiotherapy who do not qualify under the requirements of the first two classifications. Holders of such licenses shall be entitled to use the title "licensed masseur."

8. *Qualifications Required After July 1, 1949.* On and after July 1, 1949, no license to practice physiotherapy shall be issued unless the applicant shall furnish to the Board of Registration in Physiotherapy reasonable evidence (a) that he or she is a citizen of the United States, (b) that he or she has a reasonable knowledge in general of the purposes and effects of treatment by physiotherapy, (c) that, if licensing is to be obtained under group 1 or 2 of section 7, that he or she is a graduate of such a school, (d) that he or she is a person of good reputation in the community in which he or she lives.

In addition applicants shall be required to pass such examination or examinations, either written, oral or practical,

as may be deemed necessary in the judgment of the Board of Registration in Physiotherapy.

9. *Exceptions.* No person shall be licensed under this act who already holds a license in this or any other state to practice medicine, osteopathy, chiropractic or chiroprody.

10. *Exemptions.* The provisions of this chapter shall not apply to any person practicing physiotherapy under the direct supervision of a duly licensed physician either in a hospital or in the home of the patient; to any person practicing physiotherapy while employed as a registered nurse under the direct supervision of a duly licensed physician, to any student or graduate nurse in a hospital or sanitorium or nursing or convalescent home, nor to any person rendering first aid in an emergency to a family domestic. Nor shall the provisions of this chapter apply to persons regularly employed as barbers or beauticians.

11. *Fee.* The fee for any license to practice hereunder shall be five dollars. The funds received from such fees shall be held in the state treasury as a special fund for the purpose of this act alone. The board shall receive no compensation for services other than a per diem reimbursement of ten dollars per day when the board is actually in session and for such other expenses as may be incurred in carrying out their duties.

12. *Duration of License.* A license to practice physiotherapy shall be good for the life of the licensee, unless revoked by the Board of Registration in Physiotherapy, for cause.

13. *Revocation of License.* For cause shown upon complaint of any person, or on its own motion, the Board of Registration in Physiotherapy may revoke a license to practice physiotherapy. Before revoking a license, the licensee shall be given reasonable notice and a reasonable opportunity to be heard.

14. *Penalties.* Any person practicing physiotherapy without a license to practice physiotherapy or continuing to practice physiotherapy after the revocation of his license, shall be fined the sum of two hundred dollars or be imprisoned three months, or both.

15. *Restrictions.* No person licensed under the provisions hereof shall attach to his name or in any way use the title, physician, doctor, surgeon, specialist, M. D., M. S., D. C.,

or D. O. or any other title than those provided under section 7. No person licensed hereunder shall in, by, or through any newspaper, magazine, pamphlet, poster, card, circular, or other writing, state or represent, either directly or indirectly that he or she has cured, can cure, or guarantee to cure, any disease, injury, defect, deformity, ailment or affliction whatever.

16. *Rules and Regulations.* The Board of Registration in Physiotherapy may adopt such rules and regulations as may be essential to the carrying out of the purposes hereof.

2. This act shall take effect upon its passage.

The report was accepted, and the bill with the accompanying amendment was laid upon the table to be printed in the Journal, under the rules.

Senator Wiggin, for the Committee on Fisheries and Game, Forestry and Recreation, to whom were referred:

House Bill No. 43, An act relative to care of lumber slash.

House Bill No. 44, An act relating to the felling of trees on boundary lines.

House Bill No. 82, An act relating to penalty in registration of saw mills and brush disposal.

House Bill No. 328, An act relative to removal of slash and storage of combustibles near saw mills.

Having considered the same, reported the same without amendment and recommended their passage.

The reports were accepted, and the bill ordered to a third reading this afternoon at two o'clock.

Senator Wiggin, for the Committee on Fisheries and Game, Forestry and Recreation, to whom was referred:

Senate Bill No. 44, An act relative to bounties.

Having considered the same, reported the same with the following resolution:

Resolved, That it is inexpedient to legislate.

The report was accepted, and the recommendation of the committee was adopted.

Senator Wiggin, for the Committee on Fisheries and Game, Forestry and Recreation, to whom was referred:

House Bill No. 259, An act relative to taking salmon aureolus in Lake Sunapee.

Having considered the same, reported the same with the following amendment and recommended that the bill as amended ought to pass.

Amend said bill by striking out sections 1 and 2 and inserting in place thereof the following:

1. *Aureolus and Salmon.* Aureolus and salmon may be taken from Sunapee Lake from April first to May first by trolling only, may be taken from said lake from May first to August thirty-first in the usual legal manner and during the month of September by the use of artificial flies only.

2. *Application of Statutes.* Such parts of sections 4, 7, 9 and 22 of chapter 245 of the Revised Laws as amended by regulations adopted by the director of the fish and game as may be inconsistent with this act are hereby repealed to the extent of such inconsistencies. Except as otherwise provided herein all laws relative to taking salmon and aureolus under the provisions of the fish and game laws shall apply to the taking of salmon and aureolus from Lake Sunapee hereunder.

Senator Ainsworth rose to a point of personal privilege and explained to the members of the Senate that the above amendment was a compromise agreement satisfactory to all parties concerned.

The report was accepted, amendment adopted, and the bill as amended was ordered to a third reading this afternoon at two o'clock.

Communication

The following communication was read by the Clerk:

March 28, 1949

Hon. Perkins Bass
President of Senate
State House

DEAR MR. BASS:

Enclosed is a copy of a report "A Plan and Policy for Aerial Photography in New Hampshire." The report is a result of several years of study into the needs and methods of procuring aerial photography. It suggests changes in legislation to make such a program operative. These legislative changes are incorporated in House Bill No. 489.

For the sake of economy, we do not plan to distribute copies of the report in the Senate. However, copies are available in this office to all senators who are interested.

Sincerely yours,

Edward Ellingwood,
Executive Director.

Introduction of Joint Resolution

Senator Reinhart, under a suspension of the rules, sixteen senators actually having voted in favor thereof, introduced the following entitled joint resolution, which was read a first and second time, laid on the table to be printed, and referred to the Committee on Judiciary:

Senate Joint Resolution No. 14, Joint Resolution relating to the printing of a New Hampshire Digest.

On motion of Senator Spollett the following resolution was adopted:

Resolved, That the rules be so far suspended as to permit all business in order for this afternoon at two o'clock to be made in order at the present time.

Third Readings

Senate Bill No. 9, An act relative to the governor's council.

Senate Bill No. 37, An act relative to pari mutuel pools at race meets at agricultural fairs.

Senate Bill No. 46, An act relating to the laying out of Class I and II highways.

Senate Bill No. 70, An act relative to Couvent De La Presentation De Marie.

House Bill No. 26, An act relative to public dumps and town appropriations for collection and removal of garbage and other waste materials.

House Bill No. 43, An act relative to care of lumber slash.

House Bill No. 44, An act relating to the felling of trees on boundary lines.

House Bill No. 82, An act relating to penalty in registration of saw mills and brush disposal.

House Bill No. 248, An act to dissolve certain railroad corporations.

House Bill No. 259, An act relative to taking salmon and aureolus in Lake Sunapee.

House Bill No. 267, An act relative to prohibiting mariages.

House Bill No. 309, An act relating to drainage into highways.

House Bill No. 328, An act relative to removal of slash and storage of combustibles near saw mills.

House Bill No. 371, An act relative to the payment of municipal bonds and notes.

On motion of Senator Tarlson the following resolution was adopted:

Resolved, That when the Senate adjourns today it be to meet Tuesday morning at 11 o'clock.

On motion of Senator Butman the Senate adjourned.

TUESDAY, APRIL 5, 1949

The Senate met according to adjournment.

Leave of Absence

Senator Ainsworth was granted a leave of absence on account of illness.

House Message

The following message was received from the House of Representatives, by its Clerk:

Mr. President:

The House of Representatives has passed the following entitled bills, in the passage of which it asks the concurrence of the Honorable Senate:

House Bill No. 282, An act for aid in the development of the port of Portsmouth.

House Bill No. 298, An act relating to the New Hampshire Motor Carrier Act.

House Bill No. 311, An act relating to supervisory unions.

House Bill No. 442, An act relative to allotments of funds to towns for the maintainance of classified highways.

House Bill No. 454, An act providing for revocation of acceptance of workmen's compensation in certain cases.

House Bill No. 445, An act relative to workmen's compensation. (Clarifying liability of third person.)

House Bill No. 457, An act relative to workmen's compensation. (Clarifying financial responsibility and the payment of compensation.)

House Bill No. 459, An act relative to workmen's compensation. (Providing for an increase in the amount of weekly compensation.)

House Bill No. 460, An act relating to workmen's compensation. (Extension of insurance coverage.)

House Bill No. 466, An act relative to legal length of motor busses.

The message further stated that the House of Representatives had voted to concur with the Honorable Senate in its adoption of the amendments offered by the Committee on Engrossed Bills to the following entitled bills:

House Bill No. 213, An act relating to the introduction of bills and to the printing of bills and journals.

House Bill No. 249, An act relative to mileage allowance for members of the legislature.

House Bill No. 370, An act relative to insurance rating organizations.

House Bill No. 410, An act changing the name of People's Building and Loan Association of Rochester to People's Co-Operative Savings Bank of Rochester.

The message further stated that the House of Representatives had voted to concur with the Honorable Senate in the passage of the following entitled bill, sent down from the Honorable Senate:

Senate Bill No. 32, An act naming the Horace Greeley highway.

The message further stated that the House of Representatives had voted to adopt the amendments offered by the Committee on Engrossed Bills, to the following bills, in the adoption of which amendments the House of Representatives asked the concurrence of the Honorable Senate:

Senate Bill No. 29, An act in relation to notice of petitions for right to appeal from decrees of probate courts.

Amend section 1 of the bill by inserting the words "at least" in the fifth line before the word, thirty,

On motion of Senator Otis, the Senate voted to concur in the amendment offered by the Committee on Engrossed Bills, sent up from the House of Representatives.

House Bill No. 140, An act relative to guaranty to dealer relative to original packages of foods.

Amend the title of said bill by striking out said title and inserting in place thereof the following:

An act providing for guaranty to dealer relative to original packages of foods.

On motion of Senator Otis the Senate voted to concur in the amendment offered by the Committee on Engrossed Bills, sent up from the House of Representatives.

The message further stated that the House of Representatives had voted to concur with the Honorable Senate in its amendments to the following entitled bills:

House Bill No. 378, An act relating to binder chains on loads of logs, lumber and timber.

House Bill No. 259, An act relative to taking salmon aureolus in Lake Sunapee.

House Bill No. 253, An act relating to parking of motor vehicles.

House Bill No. 144, An act relative to the operation of a motor vehicle transporting inflammable liquids.

House Bill No. 227, An act relating to the practice of embalming and funeral directing.

The message further stated that the House of Representatives had voted to non-concur with the Honorable Senate in its amendments to the following entitled bill, and asked for a Committee of Conference:

House Bill No. 136, An act relative to liens on logs, lumber or pulpwood for advances made.

The Speaker appointed as members on such committee, Messrs. Hinman of Stratford, Pickett of Keene, and Mrs. Wild of Jackson.

On motion of Senator Reinhart, the Senate voted to accede to the request of the House of Representatives for a Committee of Conference on the above entitled bill.

President Bass appointed as members of such committee on the part of the Senate, Senators Reinhart and Daniell.

Read and Referred

The following entitled bills, sent up from the House of Representatives, were read a first and second time, and referred:

To the Committee on Public Works:

House Bill No. 282, An act for aid in the development of the Port of Portsmouth.

House Bill No. 442, An act relative to allotments of funds to towns for the maintenance of classified highways.

To the Committee on Transportation:

House Bill No. 298, An act relating to the New Hampshire Motor Carrier Act.

House Bill No. 466, An act relating to legal length of motor busses.

To the Committee on Education:

House Bill No. 311, An act relating to supervisory unions.

To the Committee on Labor:

House Bill No. 454, An act providing for revocation of acceptance of workmen's compensation in certain cases.

House Bill No. 445, An act relative to workmen's compensation. (Clarifying liability of third person.)

House Bill No. 457, An act relative to workmen's compensation. (Clarifying financial responsibility and the payment of compensation.)

House Bill No. 459, An act relative to workmen's compensation. (Providing for an increase in the amount of weekly compensation.)

House Bill No. 460, An act relating to workmen's compensation. (Extension of insurance coverage.)

Introduction of Bills and Joint Resolution

Senator Daniell, under a suspension of the rules, sixteen senators actually having voted in favor thereof, introduced the following entitled bill, which was read a first and second time,

laid on the table to be printed, and referred to the Committee on Public Works:

Senate Bill No. 78, An act relative to low rent housing.

Senator Reinhart, under a suspension of the rules, sixteen senators actually having voted in favor thereof, introduced the following entitled joint resolution, which was read a first and second time, laid on the table to be printed, and referred to the Committee on Judiciary:

Senate Joint Resolution No. 15, Joint resolution requesting the Judicial Council to make a study and report upon titles to land.

Senator Reinhart, under a suspension of the rules, sixteen senators actually having voted in favor thereof, introduced the following entitled bill, which was read a first and second time, laid on the table to be printed, and referred to the Committee on Judiciary:

Senate Bill No. 79, An act relating to interest on delinquent taxes.

On motion of Senator Reinhart the rules were further suspended, printing and reference to committee dispensed with, and the above entitled bill was read a third time and passed at the present time.

Reconsideration

On motion of Senator Pierce the Senate voted to reconsider its vote on House Bill No. 336, An act relating to payment of poll taxes, whereby the report of the committee "inexpedient to legislate," was adopted.

On motion of Senator Pierce the above entitled bill was re-committed to the Committee on Ways and Means for further consideration.

On motion of Senator Tarlson the Senate voted to reconsider its vote on House Bill No. 192, An act authorizing the town of Belmont to issue notes or bonds for water system, whereby the report of the committee "inexpedient to legislate" was adopted.

On motion of Senator Tarlson the above entitled bill was re-committed to the Committee on Ways and Means for further consideration.

Committee Reports

Senator Bingham, for the Committee on Judiciary, to whom was referred:

House Bill No. 11, An act authorizing the Rye School District to borrow money and to issue notes or bonds.

Having considered the same, reported the same with the following amendment, and recommended that the bill as amended ought to pass:

Amend section 5 of the bill by striking out the whole of said section and inserting in place thereof the following:

5. *Proceedings Legalized.* The votes and proceedings taken at the Rye School District at the annual school district meeting in March, 1949, relative to borrowing money for the purpose of erecting and equipping an addition to the school building in said district are hereby legalized, ratified and confirmed.

The report was accepted, amendment adopted, and the bill as amended was ordered to a third reading this afternoon at two o'clock.

Senator Bingham, for the Committee on Judiciary, to whom was referred:

House Bill No. 225, An act relative to the Littleton Water and Light Department, formerly Littleton Water Works.

Having considered the same, reported the same with the following amendment, and recommended that the bill as amended ought to pass.

Amend section 2 of the bill by striking out the whole of said section and substituting in place thereof the following:

2. *Takes Effect.* This act shall not take effect unless adopted by a majority vote under a proper article in the warrant at a special town meeting which shall be called by the selectmen for the purpose on or before September 1, 1949.

The report was accepted.

The question being on the adoption of the amendment.

Senator Butman moved that the amendment be reported inexpedient to legislate.

President Bass ruled that the Senator was out of order.

On a *viva voce* vote, the Chair was in doubt.

(Discussion ensued)

Senators Reinhart, Bingham and Daniell spoke in favor of the amendment.

Senators McMeekin, C. Cummings and Otis spoke in opposition to the amendment.

President Bass requested that the Clerk read the amendment.

The question being on the adoption of the amendment offered by the committee, and on that amendment President Bass requested a division.

Thirteen senators having voted in the affirmative, and seven senators having voted in the negative, the affirmative prevailed, the amendment was adopted, and the bill as amended was ordered to a third reading this afternoon at two o'clock.

Senator O'Malley, for the Committee on Finance, to whom was referred:

Senate Joint Resolution No. 12, Joint resolution in favor of Helen A. Wilson.

Having considered the same, reported the same with the following resolution:

Resolved, That it is inexpedient to legislate.

The report was accepted, and the recommendation of the committee was adopted.

Senator Noel, for the Committee on Ways and Means, to whom was referred:

House Bill No. 337, An act relating to town officers' associations.

Having considered the same, reported the same with the following amendment and recommended that the bill as amended ought to pass.

Amend section 1 of said bill by striking out the same and inserting in place thereof the following:

1. *Membership Dues in Town Officers' Associations.* Amend section 8 of chapter 51 of the Revised Laws by striking out said section and inserting in place thereof the following:
8. *Town Officers' Associations.* For the encouragement of equitable taxation and the education of public officials in tax problems and other matters pertaining to the proper and efficient discharge of the duties of their respective offices, each town and city shall pay annually to the Association of New Hampshire Assessors, the New Hampshire City and Town

Clerks' Association and the New Hampshire Tax Collectors' Association, such amounts as shall be due for annual membership for its officials therein provided that the amount paid for any one annual membership hereunder shall not exceed three dollars. Members of these several organizations in addition to the annual membership fee shall be entitled to receive their actual expenses incurred in attending the annual convention of their respective associations, the same to be audited by the selectmen of towns and the finance committee of cities and paid out of city and towns funds.

The report was accepted, amendment adopted, and the bill as amended was ordered to a third reading this afternoon at two o'clock.

Senator Burbank, for the Committee on Education, to whom was referred:

Senate Bill No. 48, An act relative to aid for handicapped children.

Having considered the same, reported the same with the following amendment and recommended that the bill as amended ought to pass.

Amend section 1 of the bill by striking out the whole of said section and substituting in place thereof the following:

1. *Handicapped Children.* Amend section 43 of chapter 134 of the Revised Laws by striking out said section and inserting in place thereof the following: 43. *Education Required.* Every handicapped child capable of being benefited by instruction shall attend school or other place for such instruction to which he may be assigned or shall be instructed in his home for at least two hours per week for such number of weeks as the state board of education may determine provided, however, that if a handicapped child capable of being benefited by instruction, of the age of twenty-one or over shall make application for continued educational facilities, such instruction shall be continued until such time as said handicapped child shall have acquired education equivalent to a high school education or attained the age of thirty-one years.

Senator Burbank rose and explained the amendment to the Senate:

The report was accepted, amendment adopted, and the

bill as amended was ordered to a third reading this afternoon at two o'clock.

Senator Burbank, for the Committee on Education, to whom were referred:

House Bill No. 53, An act relating to non-resident pupils in schools.

House Bill No. 354, An act relating to enlarging school-house lots.

Having considered the same, reported the same without amendment, and recommended their passage.

The reports were accepted, and the bills were ordered to a third reading this afternoon at two o'clock.

Senator Noel, for the Committee on Engrossed Bills, to whom was referred:

House Bill No. 120, An act relating to investments of trustees.

Having considered the same, reported the same under Joint Rule No. 6 with the following amendment, and recommended that the bill as amended ought to pass.

Amend section 1 of said bill by striking out the first four lines and inserting in place thereof the following:

1. *Investment of Trustees.* Amend paragraph IV of section 17 of chapter 363 of the Revised Laws by inserting after the word "securities" in the first line the words, including the shares of any open-end or closed-end management type investment company or investments trust which is,

On motion of Senator Noel, the report was accepted, amendment adopted, and the bill as amended was sent to the House of Representatives for concurrence in Senate amendment.

Introduction of Guests

President Bass welcomed as guests of the Senate a group of Republican women workers from Sullivan County.

Taken from the Table

Senate Bill No. 64, In new draft and new title, An act defining "wholesalers" and "sub-jobbers" under the tobacco tax act so-called, was taken from the table, and ordered to a third reading this afternoon at two o'clock.

Senate Bill No. 7, An act relative to the practice of physiotherapy, was taken from the table.

The question being on the adoption of the amendment.

On a *viva voce* vote the amendment was adopted, and the bill as amended was ordered to a third reading this afternoon at two o'clock.

Bills Engrossed

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled bills:

Senate Bill No. 50, An act legalizing the proceedings at the school meeting in the Town of Hudson held on March 5, 1949.

House Bill No. 43, An act relative to care of lumber slash.

House Bill No. 44, An act relating to the felling of trees on boundary lines.

House Bill No. 82, An act relating to penalty in registration of saw mill and brush disposal.

House Bill No. 259, An act relative to taking salmon and aureolus in Lake Sunapee.

House Bill No. 248, An act to dissolve certain railroad corporations.

House Bill No. 267, An act relative to prohibited marriages.

House Bill No. 309, An act relating to drainage into highways.

House Bill No. 328, An act relative to removal of slash and storage of combustibles near saw mill.

House Bill No. 370, An act relative to insurance rating organizations.

House Bill No. 371, An act relative to the payment of municipal bonds and notes.

House Bill No. 410, An act changing the name of Peoples Building and Loan Association of Rochester to Peoples Co-operative Bank of Rochester.

Senate Bill No. 36, An act relative to the Peterborough Home for the Aged.

House Bill No. 249, An act relative to mileage allowance for members of the legislature.

ALDEGE A. NOEL,
For the Committee.

On motion of Senator Spollett, the following resolution was adopted:

Resolved, That the rules be so far suspended as to permit all business in order for this afternoon at two o'clock to be made in order at the present time.

Third Readings

The following entitled bills were read a third time and passed:

Senate Bill No. 7, An act relative to the practice of physiotherapy.

Senate Bill No. 48, An act relative to aid for handicapped children.

Senate Bill No. 64, in new draft and new title, An act defining wholesalers and sub-jobbers under the tobacco tax act so-called.

House Bill No. 11, An act authorizing the Rye school district to borrow money and to issue notes or bonds.

House Bill No. 53, An act relating to non-resident pupils in schools.

House Bill No. 225, An act relative to the Littleton Water and Light Department, formerly Littleton Water Works.

House Bill No. 337, An act relating to town officers' associations.

House Bill No. 354, An act relating to enlarging school-house lots.

On motion of Senator Butman the Senate adjourned.

WEDNESDAY, APRIL 6, 1949

The Senate met according to adjournment.

Leaves of Absence

Senator Ainsworth was granted a leave of absence for the balance of the week on account of illness.

Senator Hayes was granted a leave of absence for the balance of the week on account of important business.

House Message

The following message was received from the House of Representatives, by its Clerk:

Mr. President:

The House of Representatives has passed the following entitled bills, in the passage of which it asks the concurrence of the Honorable Senate:

House Bill No. 100, An act relating to a road use tax on certain out of state vehicles.

House Bill No. 229, An act relating to appeals from taxes assessed against insurance companies by the insurance commissioner.

The message further stated that the House of Representatives concurred with the Honorable Senate in the passage of the following entitled bill with amendment, in the passage of which amendment the House of Representatives asked the concurrence of the Honorable Senate:

Senate Bill No. 16, An act relative to operation of motor vehicles by amputees.

Amend section 1 of said bill by striking out the same and inserting in place thereof the following:

1. *Motor Vehicles.* Amend chapter 116 of the Revised Laws by inserting after section 12 the following new section: 12-a. *Special Tags for Motor Vehicles of Amputees.* The commissioner shall furnish without charge for every motor vehicle owned by a veteran of World Wars I and II who, because of being an amputee, has received said motor vehicle from the United States government or whose vehicle is to replace one so received, a card or tag which may be attached to the visor or otherwise of said motor vehicle so that it may be read through the windshield when said motor vehicle is parked. The commissioner shall determine the form, shape and color of said identification tag or card and shall also determine the information to be contained on said card. 12-b. *Parking.* Any motor vehicle carrying the identification tag or card provided for in section 12-a shall be allowed free parking time in any city or town so long as said motor vehicle is under the direct control of the owner.

On motion of Senator Daniell the Senate voted to concur

in the amendment to the above entitled bill, sent up from the House of Representatives.

The message further stated that the House of Representatives had voted to concur with the Honorable Senate in its amendment to the following entitled bill:

House Bill No. 26, An act relative to public dumps and town appropriations for the collection and removal of garbage and other waste materials.

The message further stated that the House of Representatives has voted to concur with the Honorable Senate in the passage of the following entitled bill and joint resolution, sent down from the Honorable Senate:

Senate Bill No. 43, An act authorizing the town of Bethlehem to purchase certain property and issue serial notes in payment thereof and legalizing the town meeting held on March 14, 1944.

Senate Joint Resolution No. 10, Joint resolution relating to world government.

The message further stated that the House of Representatives had voted to adopt the following concurrent resolution in the adoption of which it asked the concurrence of the Honorable Senate.

Army Day — 1949

Whereas the great Army of the United States has ever been the protector of our country in time of war and, in peacetime, a most effective instrumentality in the progress and welfare of our people, and

Whereas, especially in these critical times, services of inestimable importance to the national safety are again rendered with the greatest skill and care by the Army in many distant parts of the world, and at home, and

Whereas, the sixth day of the month of April, in each year, has been recognized by the Senate and House of Representatives of the United States of America as Army Day, and the occasion proclaimed by the President of the United States;

Now, Therefore, Be It Resolved, by the House of Representatives, the Senate concurring, that the history of danger periods in our past has demonstrated over and over again the

ability, the gallantry, and the profound patriotism of the Army of the United States; that the achievements of the brave men who have filled the ranks of the Army since the foundation of the Republic, and who comprise its membership at present, entitle the Army to deepest thanks and admiration; and, on this Army Day, 1949, the General Court of New Hampshire commends this great component of the armed forces to the affection and appreciation of all the people.

Further Resolved, That the Adjutant General be requested to transmit a copy of this resolution to the Secretary of the Army.

On motion of Senator Daniell the Senate voted to concur in the adoption of the concurrent resolution, sent up from the House of Representatives.

Communication

President Bass announced the receipt of a communication from the State Planning and Development Commission, relative to the biennial report, which was read to the Senate.

Introduction of Guest

President Bass introduced to the Senate former Senator Paul Gay from District No. 7, who was escorted to the rostrum by the Acting Sergeant-at-Arms.

Read and Referred

The following entitled bills, sent up from the House of Representatives, were read a first and second time and referred:

To the Committee on Transportation:

House Bill No. 100, An act relating to a road use tax on certain out of state vehicles.

To the Committee on Banks and Insurance.

House Bill No. 229, An act relating to appeals from taxes assessed against insurance companies by the insurance commissioner.

Committee Reports

Senator Bingham, for the Committee on Judiciary, to whom was referred:

House Bill No. 402, An act empowering the superior court to make orders for support in certain cases.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted, and the bill was ordered to a third reading this afternoon at two o'clock.

Senator Nickerson, for the Committee on Agriculture, to whom was referred:

House Bill No. 374, An act relating to the purchase of milk or cream for resale or manufacture.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted, and the bill was ordered to a third reading this afternoon at two o'clock.

Senator Spollett, for the Committee on Public Works, to whom were referred:

House Bill No. 172, An act relative to regulation of subdivision of land under municipal planning.

House Bill No. 430, An act relative to the reclassification of a road in the town of Milton.

Senate Bill No. 68, An act relating to the construction and financing of a new water main in the town of Troy.

Senate Bill No. 69, An act extending the powers of the North Walpole Village Precinct.

Senate Bill No. 76, An act relative to the village district of Walpole.

Having considered the same, reported the same without amendment, and recommended their passage.

The reports were accepted, and the bills were ordered to a third reading this afternoon at two o'clock.

Senator Spollett, for the Committee on Public Works, to whom was referred:

Senate Joint Resolution No. 11, Joint resolution concerning a bridge in the town of Warner.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted, and the above entitled joint resolution was referred to the Committee on Finance under the rules.

Bills Engrossed

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled bills:

Senate Bill No. 3, An act relating to commitment to veterans' administration.

House Bill No. 144, An act relative to the operation of a motor vehicle used in transporting inflammable liquids.

House Bill No. 213, An act relating to the introduction of bills and to the printing of bills and journals.

ALDEGE A. NOEL,
For the Committee.

Introduction of Bill

Senator Hartnett, under a suspension of the rules, sixteen senators actually having voted in favor thereof, introduced the following entitled bill, which was read a first and second time, laid on the table to be printed, and referred to the Committee on Education:

Senate Bill No. 80, An act relative to members of the school board.

On motion of Senator Spollett the following resolution was adopted:

Resolved, That the rules be so far suspended as to permit all business in order for this afternoon at two o'clock to be made in order at the present time.

Third Readings

The following entitled bills were read a third time and passed:

Senate Bill No. 68, An act relating to the construction and financing of a new water main in the town of Troy.

Senate Bill No. 69, An act extending the powers of the North Walpole village precinct.

Senate Bill No. 76, An act relative to the village district of Walpole.

House Bill No. 172, An act relative to regulation of subdivision of land under municipal planning.

House Bill No. 374, An act relating to the purchase of milk or cream for resale or manufacture.

House Bill No. 402, An act empowering the superior court to make orders for support in certain cases.

House Bill No. 430, An act relative to the reclassification of a road in the town of Milton.

Permission for the use of the Senate Chamber was given to Senator Dole, for the Committee on Labor to hold a public hearing on Tuesday, April 12 at 1:30 P. M.

On motion of Senator Butman the Senate adjourned.

THURSDAY, APRIL 7, 1949

The Senate met according to adjournment.

Leave of Absence

Senator Burbank was granted a leave of absence on account of important business.

House Message

The following message was received from the House of Representatives, by its Clerk:

Mr. President:

The House of Representatives has passed the following entitled bills, in the passage of which it asks the concurrence of the Honorable Senate:

House Bill No. 279, An act relating to capital reserve funds for cities.

House Bill No. 418, An act relative to protection of illegitimate children.

House Bill No. 420, An act relating to the redistricting of senatorial districts.

House Bill No. 432, An act relative to La Societe St. Jean Baptiste de Laconia.

House Bill No. 464, An act relative to operators' and commercial operators' licenses.

House Bill No. 468, An act relating to the expiration of licenses to operate motor vehicles.

Read and Referred

The following entitled bills, sent up from the House of Representatives, were read a first and second time and referred:

To the Committee on Ways and Means:

House Bill No. 279, An act relating to capital reserve funds for cities.

House Bill No. 420, An act relating to the redistricting of senatorial districts.

On motion of Senator O'Malley the order whereby House Bill No. 420, An act relating to the redistricting of senatorial districts, was referred to the Committee on Ways and Means, was vacated, and the above entitled bill was referred to the Committee on Judiciary.

To the Committee on Public Welfare:

House Bill No. 418, An act relative to protection of illegitimate children.

House Bill No. 432, An act relative to La Societe St. Jean Baptiste de Laconia.

To the Committee on Transportation:

House Bill No. 464, An act relative to operators' and commercial operators' licenses.

House Bill No. 468, An act relating to the expiration of licenses to operate motor vehicles.

Committee Reports

Senator Bingham, for the Committee on Judiciary, to whom was referred:

House Bill No. 4, An act providing for notice to mortgagee by the tax collector.

Having considered the same, reported the same with the following amendment and recommended that the bill as amended ought to pass.

Amend the bill by striking out all after the enacting clause and substituting in place thereof the following:

1. *Collection of Taxes.* Amend section 25 of chapter 80, Revised Laws, as amended by chapter 187, Laws of 1947, by striking out the whole of said section and inserting in place thereof the following: 25. *Notice to Mortgagee.* The purchaser of any real estate sold by a collector of taxes shall,

within thirty days from the date of such sale, notify all persons holding mortgages upon such property as recorded in the office of the register of deeds. Whenever a town becomes such a purchaser and the selectmen thereof determine that one or more outstanding mortgages exist, they may direct the collector of taxes to give such notice to any mortgagee, and the collector shall thereupon be entitled to receive the same fees as provided in section 30 for notifying any mortgagee of a payment after sale. Such notice shall give the date of the tax sale, the name of the delinquent taxpayer, the total amount for which said real estate was sold and the amount of costs for notifying mortgagees. As provided in section 30 of this chapter, the tax collector shall send a similar notice to any mortgagee within fifteen days of the time of payment of any subsequent tax thereon by the purchaser. Any tax sale of such encumbered real estate shall be void as against any mortgagee and no tax collector's deed based on said sale shall be valid unless the mortgagees shall have been notified in the manner provided in section 26, but the tax and any subsequent tax payments made upon the property by the purchaser, duly recorded under the provisions of section 30, shall be collectible and payment enforced by suit under the provisions of section 43.

The report was accepted, and the above entitled bill, with the accompanying amendment, was laid upon the table to be printed in the Journal, under the rules.

Senator Bingham, for the Committee on Judiciary, to whom was referred

House Bill No. 185, An act relating to photographic copies of documents and records.

Having considered the same, reported the same with the following amendment and recommended that the bill as amended ought to pass:

Amend section 1 of the bill by striking out the whole of said section and substituting in place thereof the following:

1. *Photographic Copies of Documents and Records.* Amend chapter 392 of the Revised Laws by adding immediately after section 35 thereof, the following new section:

36. *Photographic Copies of Documents and Records.* Copies of public records, documents and entries including the

records, documents and entries of every department, board, commission, registry or office of the state or of any county, city or town, and copies of records, documents and entries of any parish, church, hospital, insurance company, bank, trust company or building and loan association, whether or not such records, documents and entries or the copies thereof are made by the photostatic, photographic or microphotographic process, shall, when duly certified by the person in charge of the original records, documents and entries, be admitted in evidence to the same extent as the original in any action, proceeding or matter of a civil or criminal nature, in or before any court, commission or administrative agency in this state.

The report was accepted, and the above retitled bill with the accompanying amendment was laid on the table to be printed in the journal under the rules.

Senator Bingham, for the Committee on Judiciary, to whom was referred:

Senate Bill No. 56, An act relative to the validation of certain instruments of conveyance.

Having considered the same, reported the same with the following amendments and recommended that the bill as amended ought to pass:

Amend the bill by striking out all after the enacting clause and substituting in place thereof the following:

1. Amend chapter 259 of the Revised Laws by inserting after section 15 the following new section 15-a: 15-a: *Deeds Lacking Statement of Consideration or Seals Validated*. When any instrument of writing shall have been on record in the office of the Register of Deeds in the proper county for the period of ten years, and there is a defect in such instrument because it omitted to state any consideration therefor or because it was not sealed by the grantors or any of them, such instrument shall, from and after the expiration of ten years from the filing thereof for record, be valid as though such instrument had, in the first instance, stated the consideration therefor or had been sealed by all of the grantors in full compliance with requirements of law, and such instrument shall, after the expiration of ten years from the filing of the same for record, impart to subsequent purchasers, incumbrancers and all other persons whomsoever, notice of such instrument

of writing so far as and to the same extent that the same then be recorded, copied or noted in such books of records, notwithstanding such defect. Provided that nothing herein contained shall be construed to affect any rights acquired by grantees, assignees or incumbrancers subsequent to the filing of such instrument for record and prior to the expiration of ten years from the filing of such instrument for record; and provided further, that this section shall not apply to conveyances or other instrument of writing, the validity of which is brought in question in any suit now pending in any of the courts of this state.

2. Further amend chapter 259 of the Revised Laws by inserting after section 15-a the following new section 15-b: 15-b. *Informal Discharges Validated.* Every duly recorded satisfaction piece or instrument heretofore executed with intent to cancel and discharge or assign a mortgage of real estate, fully identifying the mortgage so intended to be cancelled and discharged or assigned, but not drawn in formal accordance with statutory requirements, shall be held a valid discharge or assignment of such mortgage and a release or assignment of the mortgaged interest in such real estate; provided that this section shall not apply to such satisfaction pieces or instruments, the validity of which is brought in question in any suit now pending in any of the courts of this state.

3. *Takes Effect.* This act shall take effect upon its passage.

The report was accepted, and the above entitled bill with the accompanying amendment was laid on the table to be printed in the Journal under the rules.

Senator Bingham, for the Committee on Judiciary, to whom were referred:

House Bill No. 235, An act relating to the fees of bail commissioners.

House Bill No. 317, An act relative to larceny.

House Bill No. 396, An act relating to check lists in the city of Berlin.

Senate Bill No. 73, An act in relation to the assessment of taxes.

Having considered the same, reported the same without amendment, and recommended their passage.

The reports were accepted, and the bills were ordered to a third reading this afternoon at two o'clock.

Senator Noel, for the Committee on Ways and Means, to whom were referred:

Senate Bill No. 65, An act legalizing certain proceedings for meetings in the town of Greenfield.

Senate Bill No. 66, An act legalizing certain meetings in the town of Francestown.

House Bill No. 382, An act legalizing the school meeting in the town of South Hampton.

House Bill No. 417, An act relative to taxation of property.

Having considered the same, reported the same without amendment, and recommended their passage.

The reports were accepted, and the bills were ordered to a third reading this afternoon at two o'clock.

Senator Noel, for the Committee on Ways and Means, to whom was referred:

House Bill No. 336, An act relating to payment of poll taxes.

Having considered the same, reported the same with the following amendment, and recommended that the bill as amended ought to pass:

Amend section 1 of the bill by striking out the word "three," following the word "preceding" in line seven of said section.

Further amend by changing the word "taxes" in line seven to the word tax, and by changing the word "years" in line eight to the word year; so that said section as amended shall read:

1. *Poll Taxes.* Amend section 3, chapter 116, Revised Laws, as amended by section 1, chapter 105, Laws of 1947 by striking out said section and inserting in place thereof the following: 3. *Payment of Poll Tax Required.* No person shall be entitled to register a motor vehicle, or to obtain an operator's license for the same, or to secure a hunting and fishing or trapping license, without showing to the issuing officer a tax collector's receipt for the payment of any poll

tax for which he is liable for the preceding year, or make oath or affirmation under the pains and penalties of perjury that he has paid such taxes or has been lawfully relieved from such payment by reason of exemption or abatement; provided, however, that a permit or license may be issued if the selectmen or assessors certify that, in their opinion, the applicant should be granted such permit or license even though the taxes have not been paid.

The report was accepted.

Senator McMeekin rose and explained the amendment to the Senate.

The question being on the adoption of the amendment.

On a *viva voce* vote, the amendment was adopted, and the bill was ordered to a third reading this afternoon at two o'clock.

Senator Noel, for the Committee on Ways and Means, to whom was referred:

House Bill No. 452, An act relative to airport managers and their powers and duties.

Having considered the same, reported the same with the following amendment, and recommended that the bill as amended ought to pass:

Amend section 3 of the bill by striking out the same and inserting in place thereof the following:

3. *Takes Effect.* This act shall take effect June 1, 1949.

The report was accepted, amendment adopted, and the bill as amended was ordered to a third reading this afternoon at two o'clock.

Senator Noel, for the Committee on Ways and Means, to whom was referred:

House Bill No. 77, An act relative to revocation of the city manager law by a city.

Having considered the same, reported the same with the following amendment, and recommended that the bill as amended ought to pass.

Amend the title of said bill by striking out the same and inserting in place thereof the following:

An act relative to revocation of the city manager law by the city of Keene.

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1. *City of Keene.* At any time prior to September, 1949 upon petition therefor by ten per cent of the legal voters as determined by the check list used at the municipal election of 1948, the board of mayor and aldermen and the city councils of the city of Keene shall call a special city meeting to be held within thirty days from the date of the receipt of such certaining whether the city will rescind its action in adopt-petition. Said meeting shall be called for the purpose of as-ing the provisions of chapter 67 of the Revised Laws. The city clerk shall prepare the ballots for use at said special city meeting and on said ballot shall be the question "Shall the city rescind its action in adopting the provisions of the city manager act?" Following the question there shall be printed squares wherein the voter may clearly indicate his choice. At such special meeting the check list which was used at the last preceding municipal election shall be used. If a majority of the voters of the city of Keene present and voting at said special meeting shall vote to revoke the city manager form of government, the form of government of said city shall revert to that in effect prior to the adoption of said chapter 67 of the Revised Laws. Provided further that no acts done or obligations incurred by the city manager of Keene prior to such revocation shall be affected thereby.

2. *Takes Effect.* This act shall take effect upon its passage.

The report was accepted, and the bill with the accompanying amendment was laid on the table to be printed in the Journal under the rules.

Senator O'Malley, for the Committee on Finance, to whom was referred:

House Bill No. 199, An act providing for additional appropriations for certain departments for the fiscal year ending June 30, 1949.

Having considered the same, reported the same with the following amendment, and recommended that the bill as amended ought to pass:

Amend House Bill No. 199 by striking out Section 1, of said bill and inserting a new Section 1, as follows:

1. *Deficiency Appropriations.* The sum of three hundred twenty thousand seven hundred eighty-six dollars and seventy-one cents is hereby appropriated to meet deficits as follows: For forestry and recreation, forest fire bills to towns, twenty-seven thousand five hundred dollars; for state treasury, for bounties, ten thousand dollars, for highway division of the treasury for current expenses, two thousand dollars; for treasury general current expenses, two thousand dollars; for longevity for state employees, two thousand dollars; for employees retirement system, normal contribution, forty thousand nine hundred and fifty dollars; for adjutant general, eighteen thousand seven hundred dollars; for superintendent of buildings and grounds, seven thousand one hundred thirty-six dollars and seventy-five cents; for cancer commission, thirty-five thousand dollars; for state police, twenty thousand dollars; for comptroller, one thousand dollars; for executive department, emergency fund, one hundred forty-two thousand dollars; for constitutional convention, seven thousand five hundred dollars; for New Hampshire war records committee, five thousand dollars. Total deficiency appropriation, three hundred twenty thousand seven hundred eighty-six dollars and seventy-one cents. Two thousand dollars to be a charge upon the highway funds. Three hundred eighteen thousand seven hundred eighty-six dollars and seventy-one cents to be a charge upon funds not otherwise appropriated. The Governor is hereby authorized to draw his warrant for the sums as above appropriated.

Senator C. Cummings rose and explained the amendments to the Senate.

On a *viva voce* vote the amendments were adopted, and the bill as amended was ordered to a third reading this afternoon at two o'clock.

Bills Engrossed

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled bills:

Senate Joint Resolution No. 10, Joint resolution relating to world government.

House Bill No. 140, An act providing for guaranty to dealer relative to original packages of foods.

Senate Bill No. 29, An act in relation to notice of petitions for right to appeal from decrees of probate courts.

Senate Bill No. 32, An act naming the Horace Greeley Highway.

Senate Bill No. 43, An act authorizing the town of Bethlehem to purchase certain property and issue serial notes in payment thereof and legalizing the town meeting held on March 14, 1944.

Introduction of Bills and Joint Resolution

Senator Hartnett, under a suspension of the rules, sixteen senators actually having voted in favor thereof introduced the following entitled bill, which was read a first and second time, laid on the table to be printed, and referred to the Committee on Judiciary.

Senate Bill No. 81, An act relating to separate maintenance.

Senator Brunel, under a suspension of the rules, sixteen senators actually having voted in favor thereof, introduced the following entitled bill, which was read a first and second time, laid on the table to be printed, and referred to the Committee on Public Works:

Senate Bill No. 82, An act relative to the Milton fire district.

Senator Nickerson, under a suspension of the rules, sixteen senators actually having voted in favor thereof, introduced the following entitled joint resolution, which was read a first and second time, laid on the table to be printed, and referred to the Committee on Finance:

Senate Joint Resolution No. 16, Joint resolution making appropriation for expenses in connection with forest fires.

Resolution

Senator Daniell offered the following resolution:

Resolved, That the Senate view with concern the present high rates charged by electric, gas and telephone utilities in the State of New Hampshire. It is the sentiment of the Senate

that further applications for rate increases should be viewed with extreme caution and diligence.

(Discussion ensued)

Senators Daniell and Noel spoke in favor of the resolution.

Senator Hartnett spoke in opposition to the resolution.

On a *viva voce* vote the affirmative prevailed, and the resolution was adopted.

On motion of Senator Spollett the following resolution was adopted:

Resolved, That the rules be so far suspended as to permit all business in order for this afternoon at two o'clock to be made in order at the present time.

Third Readings

The following entitled bills were read a third time and passed:

Senate Bill No. 65, An act legalizing certain proceedings for meetings in the town of Greenfield.

Senate Bill No. 66, An act legalizing certain meetings in the town of Francestown.

Senate Bill No. 73, An act in relation to the assessment of taxes.

House Bill No. 199, An act providing for additional appropriations for certain departments for the fiscal year ending June 30, 1949.

House Bill No. 235, An act relating to the fees of bail commissioners.

House Bill No. 317, An act relative to larceny.

House Bill No. 336, An act relating to payment of poll taxes.

House Bill No. 382, An act legalizing the school meeting in the town of South Hampton.

House Bill No. 396, An act relating to checklists in the city of Berlin.

House Bill No. 417, An act relative to taxation of property.

House Bill No. 452, An act relative to airport managers and their powers and duties.

On motion of Senator Tarlson the following resolution was adopted:

Resolved, That when the Senate adjourns today it be to meet Tuesday morning at 11 o'clock.

On motion of Senator Butman the Senate adjourned.

TUESDAY, APRIL 12, 1949

The Senate met according to adjournment.

Introduction of Guests

President Bass welcomed, as guests of the Senate, the wives of the various senators.

House Message

The following message was received from the House of Representatives, by its Clerk:

Mr. President:

The House of Representatives has passed the following entitled bills, in the passage of which it asks the concurrence of the Honorable Senate:

House Bill No. 264, An act relating to appointment of probation officers in large towns and cities.

House Bill No. 325, An act relating to operation of motor vehicles while under the influence of intoxicating liquor.

House Bill No. 473, An act relating to appeals in municipal zoning matters.

The message further stated that the House of Representatives had voted to concur with the Honorable Senate in its adoption of the amendment offered by the Committee on Engrossed Bills to the following entitled bill:

House Bill No. 120, An act relating to investments of trustees.

The message further stated that the House of Representatives had voted to concur with the Honorable Senate in the passage of the following entitled bills, sent down from the Honorable Senate:

Senate Bill No. 40, An act authorizing the Penacock and Boscawen water precinct to issue notes or bonds for water system.

Senate Bill No. 52, An act legalizing school district meeting in the town of Lyndeborough held in March, 1949.

Senate Bill No. 70, An act relating to the Couvent de la Presentation de Marie.

Senate Bill No. 68, An act relating to the construction and financing of a new water main in the town of Troy.

The message further stated that the House of Representatives had voted to concur with the Honorable Senate in its amendments to the following entitled bills:

House Bill No. 11, An act authorizing the Rye School District to borrow money and to issue notes or bonds.

House Bill No. 337, An act relating to town officers' associations.

The message further stated that the House of Representatives had voted to adopt the amendment offered by the Committee on Engrossed Bills, to the following bill, in the adoption of which amendment the House of Representatives asked the concurrence of the Honorable Senate:

House Bill No. 64, An act relative to the practice of dentistry.

Amend section 1 of said bill by striking out the first four lines and inserting in place thereof the following:

1. *Dentistry.* Amend section 17 of chapter 251 of the Revised Laws by striking out said section and inserting in place thereof the following: 17. *Practice.* A person shall be regarded as practicing dentistry within the meaning of this chapter who uses or permits to be used, directly or indirectly,

Further amend said section 1 of said bill by striking out the twenty-ninth and thirtieth lines and inserting in place thereof the following: to be used and worn as substitutes for natural teeth, or adjust the same; or who

Further amend said section 1 of said bill by striking out all after the word "licensed" in the thirty-third line and inserting in place thereof the following: physicians or surgeons from treating or prescribing for lesions, diseases, disorders, or deficiencies of the human oral cavity, teeth, gums, maxilla, or mandible or adjacent associated structures, or from extracting

human teeth or administering anesthetics, or using or prescribing drugs or other remedies; nor shall it prevent students from performing dental operations under the supervision of competent instructors within a dental school, college, or dental department of a university recognized by said board.

Amend section 2 of said bill by striking out the eighth line and inserting in place thereof the following: so that said section as amended shall read as follows: 18. *Eligibility; Examination; Registration.*

Further amend said bill by striking out section 3 and inserting in place thereof the following:

3. *Name.* Amend section 27 of chapter 251 of the Revised Laws by striking out said section and inserting in place thereof the following: 27. *Business Name.* No person shall operate any dental office under any name other than the name of the dentist or dentists actually owning the practice. The provisions of this section shall not apply to any corporation which, upon the date of the passage of this act, was operating a dental office under a corporate title containing the name of the dentist or dentists actually owning the practice, "so long as the corporate title shall continue to contain the name of the dentist or dentists from time to time actually owning the practice."

On motion of Senator Noel the Senate voted to concur in the amendment offered by the Committee on Engrossed Bills, sent up from the House of Representatives.

Read and Referred

The following entitled bills, sent up from the House of Representatives, were read a first and second time and referred:

To the Committee on Public Welfare and State Institutions:

House Bill No. 264, An act relating to appointment of probation officers in large towns and cities.

To the Committee on Transportation:

House Bill No. 325, An act relating to operation of motor vehicles while under the influence of intoxicating liquor.

To the Committee on Judiciary:

House Bill No. 473, An act relating to appeals in municipal zoning matters.

Introduction of Bills

Senator Spollett, under a suspension of the rules, sixteen senators actually having voted in favor thereof, introduced the following entitled bill, which was read a first and second time, laid on the table to be printed, and referred to the Committee on Ways and Means:

Senate Bill No. 83, An act relative to transfer tax on certain buildings in the town of Hampton.

Senator Ainsworth, under a suspension of the rules, sixteen senators actually having voted in favor thereof, introduced the following entitled bill, which was read a first and second time, laid on the table to be printed, and referred to the Committee on Finance:

Senate Bill No. 84, An act extending an appropriation for the Mount Sunapee recreational project.

Senator Brunel, under a suspension of the rules, sixteen senators actually having voted in favor thereof, introduced the following entitled bill, which was read a first and second time, laid on the table to be printed, and referred to the Committee on Judiciary.

Senate Bill No. 85, An act providing for uniform accounting by executors, administrators, trustees and other fiduciaries.

Committee Reports

Senator Burbank, for the Committee on Education, to whom was referred:

Senate Bill No. 71, An act relative to intimidation of members of the general court.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted.

Senator Daniell moved that the above entitled bill be re-committed to the Committee on Education for further consideration.

Senator Spollett moved that the bill be indefinitely postponed.

(Discussion ensued)

Senator Spollett spoke in favor of the motion to indefinitely postpone.

Senators Daniell, Caron, Otis and Bingham spoke in opposition to indefinite postponement.

On a *viva voce* vote the Chair was in doubt, and called for a division.

Nine Senators having voted in the affirmative, and thirteen senators having voted in the negative, the negative prevailed, and the motion to indefinitely postpone was lost.

The question being stated, Shall the above entitled bill be recommitted to the Committee on Education?

On a *viva voce* vote, the affirmative prevailed, and the bill was recommitted to the Committee on Education.

Senator Burbank, for the Committee on Education, to whom was referred:

House Joint Resolution No. 6, Joint Resolution directing the establishment of an Interim Commission to make a study of the laws of the United States and other states, and to formulate and prepare a report for submission to the Governor and Council on or before January 1, 1951 for the protection of the democratic principles of government and ideals in this state, and for the exposure and expurgation of subversive activities in the state of New Hampshire.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted, and the above entitled joint resolution was referred to the Committee on Finance under the rules.

Senator Burbank, for the Committee on Education, to whom was referred:

Senate Bill No. 25, An act relating to superintendents and assistant superintendents of schools.

Having considered the same, reported the same with the following resolution:

Resolved. That it is inexpedient to legislate.

The report was accepted, and the recommendation of the committee was adopted.

Taken from the Table

House Bill No. 4, An act providing for notice to mortgagee by the tax collector, was taken from the table.

The question being on the adoption of the amendment as printed in the Journal of April 7.

The Clerk proceeded to read the amendment.

On motion of Senator Noel further reading of the amendment was dispensed with.

On a *viva voce* vote the affirmative prevailed, the amendment was adopted, and the bill as amended was ordered to a third reading this afternoon at two o'clock.

House Bill No. 185, An act relating to photographic copies of documents and records, was taken from the table.

The question being on the adoption of the amendment as printed in the Journal of April 7.

On a *viva voce* vote the affirmative prevailed, the amendment was adopted, and the bill as amended was ordered to a third reading this afternoon at two o'clock.

Senate Bill No. 56, An act relative to the validation of certain instruments of conveyance, was taken from the table.

Question being on the motion of the amendment which was printed in the Journal of April 7.

On a *viva voce* vote, the affirmative prevailed, the amendment was adopted, and the bill as amended was ordered to a third reading this afternoon at two o'clock.

House Bill No. 77, An act relative to revocation of the city manager law by a city.

Question being on the adoption of the amendment which was printed in the Journal of April 7.

Senator Pierce moved that the bill with the accompanying amendment be indefinitely postponed.

(Discussion ensued)

Senator Pierce spoke in favor of indefinite postponement.

Senators Butman, McMeekin, Noel, Daniell, E. Cummings, Dole and Hartnett spoke in opposition to indefinite postponement.

On a *viva voce* vote the negative prevailed, and the motion to indefinitely postpone was lost.

Question being on the adoption of the amendment as offered by the committee.

On a *viva voce* vote, the affirmative prevailed, the amendment was adopted, and the bill as amended was ordered to a third reading this afternoon at two o'clock.

Bills Engrossed

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled bills:

Senate Bill No. 52, An act legalizing school district meeting in the town of Lyndeborough held in March, 1949.

Senate Bill No. 68, An act relating to the construction and financing of a new water main in the town of Troy.

Senate Bill No. 70, An act relative to Couvent de la Presentation de Marie.

House Bill No. 11, An act authorizing the Rye school district to borrow money and to issue notes or bonds.

House Bill No. 26, An act relative to public dumps and town appropriations for collection and removal of garbage and other waste materials.

House Bill No. 53, An act relating to non-resident pupils in schools.

House Bill No. 120, An act relating to investments of trustees.

House Bill No. 172, An act relative to regulation of subdivision of land under municipal planning.

House Bill No. 235, An act relating to the fees of bail commissioners.

House Bill No. 253, An act relating to parking of motor vehicles.

House Bill No. 317, An act relative to larceny.

House Bill No. 337, An act relating to town officers' associations.

House Bill No. 382, An act legalizing the school meeting in the town of South Hampton.

House Bill No. 396, An act relating to checklists in the city of Berlin.

House Bill No. 430, An act relative to the reclassification of a road in the town of Milton.

ALDEGE A. NOEL,
For the Committee.

On motion of Senator Spollett the following resolution was adopted:

Resolved, That the rules be so far suspended as to permit all business in order for this afternoon at two o'clock be made in order at the present time.

Third Readings

The following entitled bills were read a third time and passed:

Senate Bill No. 56, An act relative to the validation of certain instruments of conveyance.

House Bill No. 4, An act providing for notice to mortgagee by the tax collector.

House Bill No. 77, An act relative to revocation of the city manager law by the City of Keene.

House Bill No. 185, An act relating to photographic copies of documents and records.

On motion of Senator Butman the Senate adjourned.

WEDNESDAY, APRIL 13, 1949

The Senate met according to adjournment.

Leaves of Absence

Senator Daniell was granted a leave of absence on account of important business.

Senator Hayes was granted a leave of absence for the remainder of the week on account of important business.

House Message

The following message was received from the House of Representatives by its Clerk:

Mr. President:

The House of Representatives has passed the following entitled bills, in the passage of which it asks the concurrence of the Honorable Senate:

House Bill No. 114, An act relative to retirement benefits under the firemen's retirement system.

House Bill No. 274, An act concerning the recognition of a divorce obtained in another jurisdiction and to make uniform the law with reference thereto.

The message further stated that the House of Representatives had voted to concur with the Honorable Senate in the passage of the following entitled bill, sent down from the Honorable Senate:

Senate Bill No. 42, An act relative to adoption of rules and regulations by the state board of fire control.

The message further stated that the House of Representatives had voted to adopt the amendments offered by the Committee on Engrossed Bills, to the following House bills, in the adoption of which amendments the House of Representatives asked the concurrence of the Honorable Senate:

House Bill No. 378, An act relating to binder chains on loads of logs, lumber and timber.

Amend section 1 of said bill by striking out the first five lines and inserting in place thereof the following:

1. *Motor Trucks, Trailers.* Amend chapter 119 of the Revised Laws by inserting after section 39 the following new section: 39-a. *Binder Chains.* No motor truck, trailer or semi-trailer, while being used to transport a load of logs, lumber or timber, the height of which with load is greater than eight feet and the length of whose load is greater than

On motion of Senator Otis the Senate voted to concur in the amendments offered by the Committee on Engrossed Bills, sent up from the House of Representatives.

House Bill No. 227, An act relating to the practice of embalming and funeral directing.

Amend section 1 of said bill by striking out the first three lines and inserting in place thereof the following:

1. *Qualifications.* Amend section 13 of chapter 168 of

the Revised Laws by striking out said section and inserting in place thereof the following:

On motion of Senator Otis the Senate voted to concur in the amendments offered by the Committee on Engrossed Bills, sent up from the House of Representatives.

Read and Referred

The following entitled bills sent up from the House of Representatives were read a first and second time, and referred:

To the Committee on Ways and Means:

House Bill No. 114, An act relative to retirement benefits under the firemen's retirement system.

To the Committee on Judiciary: .

House Bill No. 274, An act concerning the recognition of a divorce obtained in another jurisdiction and to make uniform the law with reference thereto.

Introduction of Bills

Senator Hartnett, under a suspension of the rules, sixteen senators actually having voted in favor thereof, introduced the following entitled bill, which was read a first and second time, laid on the table to be printed, and referred to the Committee on Public Health:

Senate Bill No. 86, An act establishing district departments of health.

Announcement

President Bass announced to the membership of the Senate, receipt of a joint resolution relating to world government which was recently passed by the Legislature in Maine, as follows:

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STATE OF MAINE

*In the year of Our Lord
One thousand nine hundred and forty-nine*

MEMORIAL

*To the Honorable Senate and House of Representatives of the
United States of America in Congress Assembled:*

Joint resolution regarding a Constitutional Convention of the United States or amendments to the Constitution of the United States relating to strengthening the United Nations and limited world federal government.

We, your Memorialists, the Senate and House of Representatives of the State of Maine in the ninety-fourth Legislative Session assembled, most respectfully present and petition your Honorable Body as follows:

Whereas, War is now a threat to the very existence of our civilization, because modern science has produced weapons of war which are overwhelmingly destructive and against which there is no sure defense; and

Whereas, The effective maintenance of world peace is the proper concern and responsibility of every American citizen; and

Whereas, The people of the State of Maine, while now enjoying domestic peace and security under the laws of their local, state and federal government, deeply desire the guarantee of world peace; and

Whereas, All history shows that peace is the product of law and order, and that law and order are the product of government; and

Whereas, The United Nations, as presently constituted, although accomplishing great good in many fields, lacks authority to enact, interpret or enforce world law, and under its present Charter is incapable of restraining any major nations which may foster or foment war; and

Whereas, The Charter of the United Nations expressly provides, in Articles 108 and 109, a procedure for reviewing and altering the Charter; and

Whereas, Many states have memorialized Congress, through resolutions by their state legislatures or in referenda by their voters, to initiate steps toward the creation of a world federal government; and

Whereas, Several nations have recently adopted constitutional provisions to facilitate their entry into a world federal government by authorizing a delegation to such a world federal government of a portion of their sovereignty sufficient to endow it with powers adequate to prevent war; now, therefore, be it

Resolved, by the Senate and House of the State of Maine, that application is hereby made to the Congress of the United States, pursuant to Article V of the Constitution of the United States, to give serious consideration to the calling of a convention for the sole purpose of proposing amendments to the Constitution which are appropriate to authorize the United States to negotiate with other nations, subject to later ratification, a constitution of a world federal government, open to all nations, with limited powers adequate to assure peace, or amendments to the Constitution which are appropriate to ratify any world constitution which is presented to the United States by the United Nations, by a world constitutional convention or otherwise; and be it further

Resolved, That the Secretary of State of the State of Maine is hereby directed to transmit copies of this application to the Senate and House of Representatives of the Congress, to the members of the said Senate and House of Representatives from this state, and to the presiding officers of each of the legislatures in the several states, requesting their cooperation.

House of Representatives:

Read and Adopted

April 1, 1949

Sent up for Concurrence

HARVEY R. PEASE, *Clerk*

In Senate Chamber:

April 4, 1949

Read and Adopted

In Concurrence

CHESTER T. WINSLOW, *Secretary*

United States of America

State of Maine

Office of Secretary of State

I, HAROLD I. GOSS, Secretary of State of the State of Maine, and custodian of the seal of said State, do hereby certify:

That I have carefully compared the annexed copy of the Memorial to the Honorable Senate and House of Representatives of the United States of America assembled, with the original thereof, and that it is a full, true and complete transcript therefrom and of the whole thereof.

In Testimony Whereof, I have caused the seal of the State to be hereunto affixed.

GIVEN under my hand at Augusta, this eleventh day of April, in the year of our Lord one thousand nine hundred and forty-nine and in the one hundred and seventy-third year of the Independence of the United States of America.

HAROLD I. GOSS.

Secretary of State.

Committee Reports

Senator Noel, for the Committee on Finance, to whom was referred:

Senate Joint Resolution No. 11, Joint resolution concerning a bridge in the town of Warner.

Having considered the same, reported the same without amendment and recommended its passage.

The report was accepted, and the bill was ordered to a third reading this afternoon at two o'clock.

Senator Bingham, for the Committee on Judiciary, to whom were referred:

House Bill No. 289, An act relative to exemptions from attachment.

House Bill No. 240, An act in relation to marriages.

Having considered the same, reported the same with the following resolution:

Resolved, That they are inexpedient to legislate.

The reports were accepted, and the recommendation of the committee were adopted.

Senator Bingham, for the Committee on Judiciary, to whom was referred:

Senate Joint Resolution No. 14, Joint resolution relating to the printing of a New Hampshire Digest.

Having considered the same, reported the same without amendment and recommended its passage.

The report was accepted, and the bill was referred to the Committee on Finance, under the rules.

Senator Noel, for the Committee on Engrossed Bills, to whom was referred:

House Bill No. 374, An act relating to the purchase of milk or cream for resale or manufacture.

Having considered the same, reported the same, under Joint Rule No. 6, with the following amendment and recommended that the bill as amended ought to pass.

Amend section 1 of said bill by striking out the first four lines and inserting in place thereof the following:

1. *Purchase of Milk.* Amend section 1 of chapter 195 of the Revised Laws by striking out said section and inserting in place thereof the following: 1. *License.* Every person who purchases milk or cream from producers within this state, to be either resold as milk or cream, or manufactured into other dairy products, shall first obtain a

Amend section 4 of said bill by striking out the words "pay agreement" in the fourth line.

Amend section 5 of said bill by striking out said section and inserting in place thereof the following:

5. *Licenses.* Amend section 14 of chapter 195 of the Revised Laws by striking out said section and inserting in place thereof the following: 14. *Suspension of License.* Upon breach of the condition of a bond, mortgage or other security, as provided in section 12, or failure to comply with the provisions of section 1 relative to furnishing satisfactory evidence of payments for purchases of milk or cream, the commissioner of agriculture may suspend the license of such licensee for such time as he may deem necessary.

Further amend said bill by inserting after section 5 the following new section:

6. *Further Requirements.* Amend section 9 of chapter 195 of the Revised Laws by striking out the word "therefor" in the first line and inserting in place thereof the words, for purchases of milk or cream, so that said section as amended shall read as follows: 9. *Statements of Quality.* At the time payment is made for purchases of milk or cream, such licensee shall furnish to each payee a statement of the quantity delivered or furnished by him during the period covered by the payment so made, together with the price allowed for the same.

Further amend said bill by renumbering section 6 to read section 7.

On motion of Senator Otis the report was accepted, and the bill as amended was sent to the House of Representatives for concurrence in Senate amendment.

On motion of Senator Spollett the following resolution was adopted:

Resolved, That the rules be so far suspended as to permit all business in order for this afternoon at two o'clock to be made in order at the present time.

Third Reading

The following entitled joint resolution was read a third time and passed:

Senate Joint Resolution No. 11, Joint resolution concerning a bridge in the town of Warner.

On motion of Senator Butman the Senate adjourned.

THURSDAY, APRIL 14, 1949

The Senate met according to adjournment.

Leave of Absence

Senator Daniell was granted a leave of absence on account of important business.

House Message

The following message was received from the House of Representatives by its Clerk:

Mr. President:

The House of Representatives has passed the following entitled bill, in the passage of which it asks the concurrence of the Honorable Senate:

House Bill No. 150, An act relative to the salary of the solicitor of Sullivan county.

The message further stated that the House of Representatives has voted to concur with the Honorable Senate in its adoption of the amendments offered by the Committee on Engrossed Bills to the following entitled bill:

House Bill No. 374, An act relating to the purchase of milk or cream for resale or manufacture.

The message further stated that the House of Representatives has voted to concur with the Honorable Senate in its amendments to the following entitled bills:

House Bill No. 4, An act providing for notice to mortgagee by the tax collector.

House Bill No. 185, An act relating to photographic copies of documents and records.

The message further stated that the House of Representatives has voted to non-concur with the Honorable Senate in its amendments to the following entitled bill:

House Bill No. 77, An act relative to revocation of the city manager law by the city of Keene.

Read and Referred

The following entitled bill sent up from the House of Representatives was read a first and second time and referred to the Committee on Ways and Means:

House Bill No. 150, An act relative to the salary of the solicitor of Sullivan county.

Introduction of Bills

Senator Dole, under a suspension of the rules, sixteen senators actually having voted in favor thereof, introduced

the following entitled bill which was read a first and second time, laid on the table to be printed, and referred to the Committee on Ways and Means:

Senate Bill No. 87, An act validating certain proceedings in the town of Bristol.

Senator Caron, under a suspension of the rules, sixteen senators actually having voted in favor thereof, introduced the following entitled bill which was read a first and second time, laid on the table to be printed, and referred to the Committee on Public Welfare and State Institutions:

Senate Bill No. 88, An act relating to the covering of wells.

Committee Reports

Senator Noel, for the Committee on Finance, to whom was referred:

Senate Joint Resolution No. 13, Joint resolution in favor of Blanche B. Couture.

Having considered the same, reported the same with the following amendment.

Amend the joint resolution by striking out the words and figures "five thousand dollars (\$5,000)" in the first line of said resolution and substituting in place thereof the words and figures twenty-five hundred dollars (\$2,500); so that said resolution as amended shall read:

That the sum of twenty-five hundred dollars (\$2,500) is hereby appropriated to compensate Blanche B. Couture of Nashua, New Hampshire, for personal injuries to wit, a compound fracture of the right ankle, including pain and suffering and for expenses of hospital, medical and nursing care in connection therewith, caused by a defectively supported step in the Franconia Notch Reservation, to wit, in the Flume Gorge, so-called, on October 9, 1948. The governor is hereby authorized to draw his warrant for the sum hereby appropriated out of any money in the treasury not otherwise appropriated.

The report was accepted, amendment adopted, and the joint resolution as amended was ordered to a third reading this afternoon at two o'clock.

Senator Bingham, for the Committee on Judiciary, to whom was referred:

House Bill No. 224, An act relative to allegations of misconduct in divorce proceedings.

Senate Joint Resolution No. 15, Joint resolution requesting the judicial council to make a study and report upon titles to land.

Having considered the same, reported the same without amendment and recommended their passage.

The reports were accepted, and the above entitled bill and joint resolution were ordered to a third reading this afternoon at two o'clock.

Senator Bingham, for the Committee on Judiciary, to whom was referred:

House Bill No. 135, An act pertaining to jail sentences.

Having considered the same, reported the same with the following resolution:

Resolved, That it is inexpedient to legislate.

The report was accepted, and the recommendation of the committee was adopted.

Senator Butman, for the Committee on Banks and Insurance, to whom were referred:

House Bill No. 229, An act relating to appeals from taxes assessed against insurance companies by the insurance commissioner.

House Bill No. 465, An act relating to conversion into federal savings and loan associations.

Having considered the same, reported the same without amendment and recommended their passage.

The reports were accepted, and the bills were ordered to a third reading this afternoon at two o'clock.

Senator Bingham, for the Committee on Labor, to whom was referred:

House Bill No. 57, An act relative to unemployment compensation reciprocal arrangements.

Having considered the same, reported the same with the following amendment and recommended that the bill as amended ought to pass.

Amend section 1 of said bill by striking out the whole of the same and inserting in place thereof the following:

1. *Unemployment Compensation.* Amend section 15 of chapter 218 of the Revised Laws, by striking out the whole of the same and inserting in place thereof the following:

15. *Reciprocal Arrangements.* A. The commissioner is hereby authorized to enter into reciprocal arrangements with appropriate and duly authorized agencies of other states or of the federal government, or both, whereby:

(1) Services performed by an individual for a single employing unit for which services are customarily performed by such individual in more than one state shall be deemed to be services performed entirely within any one of the states (I) in which any part of such individual's service is performed, or (II) in which such individual has his residence, or (III) in which the employing unit maintains a place of business, provided there is in effect, as to such services, an election by an employing unit with the acquiescence of such individual, approved by the agency charged with the administration of such state's unemployment compensation law, pursuant to which services performed by such individual for such employing unit are deemed to be performed entirely within such state;

(2) Potential rights to benefits under this chapter may constitute the basis for the payment of benefits by another state or the federal government, and potential rights to benefits accumulated under the law of another state or the federal government may constitute the basis for the payment of benefits by this state. Such benefits shall be paid under such provisions of this chapter or under the provisions of the law of such other state or the federal government, or under such combination of the provisions of both laws, as may be agreed upon and which will be fair and reasonable as to all affected interests. No such arrangement shall be entered into unless it contains provision for reimbursement to the fund for such benefits as are paid on the basis of wages and service subject to the law of another state or the federal government, and provision for reimbursement from the fund for such benefits as are paid by another state or the federal government on the basis of wages and service subject to this chapter. Reimburse-

ments paid from the fund pursuant to this subsection shall be deemed to be benefits for the purposes of this chapter;

(3) Wages or services, upon the basis of which an individual may become entitled to benefits under an unemployment compensation law of another state or of the federal government, shall be deemed to be wages for insured work for the purpose of determining his rights to benefits under this chapter, and wages for insured work, on the basis of which an individual may become entitled to benefits under this chapter, shall be deemed to be wages or services on the basis of which unemployment compensation is payable under such law of another state or of the federal government, but no such arrangement shall be entered into unless it contains provisions for reimbursements to the fund for such of the benefits paid under this chapter upon the basis of such wages or services, and provisions for reimbursements from the fund for such of the compensation paid under such other law upon the basis of wages for insured work, as the commissioner finds will be fair and reasonable as to all affected interests;

(4) Contributions due under this chapter with respect to wages for insured work shall for the purposes of section II of this chapter be deemed to have been paid to the fund as of the date payment was made as contributions therefor under another state or federal unemployment compensation law, but no such arrangement shall be entered into unless it contains provisions for such reimbursement to the fund of such contributions as the commissioner finds will be fair and reasonable as to all affected interests.

B. Reimbursements paid from the fund pursuant to any reciprocal arrangements authorized by the provisions of this chapter shall be deemed to be benefits for the purposes of this chapter except that no charge shall be made to an employer's account under section 6 in excess of the maximum benefits available under sections 2, 3 or 4, or when no benefits would have been payable to an individual, but for this section, because of the lack of wages for insured work necessary to qualify for benefits. In the event that no charge is to be made to an employer's account such as hereinabove provided, such reimbursements shall be charged against the fund. The commissioner is authorized to make to other state or federal agencies and to receive from such other state or

federal agencies, reimbursements from or to the fund, in accordance with arrangements entered into pursuant to subsection A of this section.

C. If after entering into an arrangement under paragraph (2) or (3) of subsection A of this section the commissioner finds that the unemployment compensation law of any state or of the federal government participating in such arrangement has been changed in a material respect, the commissioner shall make a new finding as to whether such arrangement shall be continued with such state or states or with the federal government.

The report was accepted, and the above entitled bill with the accompanying amendment was laid on the table, to be printed in the Journal under the rules.

Senator Bingham, for the Committee on Labor, to whom were referred:

House Bill No. 454, An act providing for revocation of acceptance of workmen's compensation in certain cases.

House Bill No. 455, An act relative to workmen's compensation. (Clarifying liability of third person.)

House Bill No. 457, An act relative to workmen's compensation. (Clarifying financial responsibility and the payment of compensation.)

Having considered the same, reported the same without amendment and recommended their passage.

The reports were accepted, and the bills were ordered to a third reading this afternoon at two o'clock.

* Bills Engrossed

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled bills:

Senate Bill No. 40, An act authorizing the Penacock and Boscawen water precinct to issue notes or bonds for water system.

Senate Bill No. 42, An act relative to adoption of rules and regulations by the state board of fire control.

House Bill No. 64, An act pertaining to the practice of dentistry.

House Bill No. 225, An act relative to the Littleton Water and Light Department, formerly Littleton Water Works.

ALDEGE A. NOEL,
For the Committee.

On motion of Senator Caron, the following resolution was adopted:

Whereas, Thursday, April 28th is Fast Day, a legal holiday in this State,

Resolved, That the working days of the Senate during such week shall be Monday, Tuesday, and Wednesday, April 25, 26, and 27 respectively.

On motion of Senator Spollett, the following resolution was adopted:

Resolved, That the rules be so far suspended as to permit all business in order for this afternoon at two o'clock to be made in order at the present time.

Third Readings

The following entitled bills and joint resolutions were read a third time and passed:

Senate Joint Resolution No. 13, Joint resolution in favor of Blanche B. Couture.

Senate Joint Resolution No. 15, Joint resolution requesting the judicial council to make a study and report upon titles to land.

House Bill No. 224, An act relative to allegations of misconduct in divorce proceedings.

House Bill No. 229, An act relating to appeals from taxes assessed against insurance companies by the insurance commissioner.

House Bill No. 454, An act providing for revocation of acceptance of workmen's compensation in certain cases.

House Bill No. 455, An act relative to workmen's compensation. (Clarifying liability of third person.)

House Bill No. 457, An act relative to workmen's compensation. (Clarifying financial responsibility and the payment of compensation.)

House Bill No. 465, An act relating to conversion into federal savings and loan associations.

On motion of Senator Tarlson, the following resolution was adopted:

Resolved, That when the Senate adjourns today it be to meet Tuesday morning at 11:00 o'clock.

On motion of Senator Butman the Senate adjourned.

TUESDAY, APRIL 19, 1949

The Senate met according to adjournment.

Leaves of Absence

Senator Daniell was granted a leave of absence on account of important business.

Senator Wiggin was granted a leave of absence on account of illness.

House Message

The House of Representatives has passed the following entitled bill, in the passage of which it asks the concurrence of the Honorable Senate:

House Bill No. 404, An act relating to New England College.

The message further stated that the House of Representatives had voted to concur with the Honorable Senate in the passage of the following entitled bills, sent down from the Honorable Senate:

Senate Bill No. 30, An act authorizing the superior court to appoint auditors in certain actions at law.

Senate Bill No. 46, An act relating to the laying out of Class I and II highways.

The message further stated that the House of Representatives concurred with the Honorable Senate in the passage of the following joint resolution, with amendment, in the passage of which amendment the House of Representatives asked the concurrence of the Honorable Senate:

Senate Joint Resolution No. 2, Joint resolution to establish an interim commission to study the laws of the state pertaining to public utilities.

Amend said joint resolution by striking out all after the resolving clause and inserting in place thereof the following:

That a commission of five members be appointed as hereinafter provided, to study the laws of the state regulating or pertaining to public utilities. Said commission shall be appointed by the governor with the advice and consent of the council prior to August 1, 1949. Vacancies occurring shall be filled in the same manner. Said commission shall make a careful study of present laws regulating or pertaining to public utilities and of the need or advisability of further legislation relating thereto for the purpose of protecting the interests of all interested parties. Said committee shall have full power and authority to require from the several departments, agencies and officials of the state, cities and towns, and from individuals, partnerships and corporations, such information and assistance as it may deem necessary for the purposes of the commission. The members of said commission shall serve without compensation. Said commission shall report its findings and recommendations, together with any proposed legislation necessary to carry out its recommendations to the next regular session of the legislature, during the first week of said session.

On motion of Senator C. Cummings the Senate voted to non-concur in the adoption of the amendment sent up from the House of Representatives and asked for a Committee of Conference.

Pursuant to the above request the President appointed as members of such committee, on the part of the Senate, Senators C. Cummings and Reinhart.

The message further stated that the House of Representatives had voted to concur with the Honorable Senate in its adoption of the amendment offered by the Committee on Engrossed Bills to the following entitled bill:

Senate Bill No. 16, An act relative to operation of motor vehicles by amputees.

The message further stated that the House of Representatives concurred with the Honorable Senate in the passage of the following entitled bill, with amendment, in the passage of

which amendment the House of Representatives asked the concurrence of the Honorable Senate:

Senate Bill No. 47, An act relative to the salaries of the commissioners of Hillsborough county.

Amend section 1 of said bill by striking out the same and inserting in place thereof the following:

1. *Hillsborough County.* Amend section 27 of chapter 47 of the Revised Laws, as amended by chapters 119, 150, 195 and 202 of the Laws of 1943, by section 1 of chapters 66 and 163 of the Laws of 1945, by section 1 of chapter 202 and 284 of the Laws of 1947 and by chapter 73 of the Laws of 1949, by striking out said section and inserting in place thereof the following: 27. *Commissioners.* The annual salary of each commissioner of the following counties shall be as follows, payable monthly by the county:

In Rockingham, fifteen hundred dollars.

In Strafford, twelve hundred dollars.

In Belknap, twelve hundred dollars.

In Merrimack, fifteen hundred dollars.

In Hillsborough, three thousand dollars.

In Cheshire, fifteen hundred dollars.

In Sullivan, ten hundred dollars.

In Grafton, ten hundred dollars.

In Coos, fifteen hundred dollars.

In Carroll county each commissioner, when employed in the business of the county, shall receive eight dollars a day, payable as hereinbefore provided. To the foregoing sums shall be added, in all the counties, a reasonable sum for all necessary expenses, upon order of the county auditors.

The Clerk proceeded to read the amendment.

On motion of Senator Noel further reading of the amendment was dispensed with.

On motion of Senator Lalumiere the Senate voted to concur in the adoption of the amendment sent up from the House of Representatives.

Read and Referred

The following entitled bill, sent up from the House of Representatives, was read a first and second time, and referred:

To the Committee on Education:

House Bill No. 404, An act relating to New England College.

Introduction of Guests

President Bass introduced as guests of the Senate, Mrs. Reynolds, daughter of Senator E. Cummings of District No. 12, and his grandson. Also daughter and son of Senator Lalumiere of District No. 19.

President Bass also welcomed as guests in the gallery, Headmaster Greenlaw and the juniors and seniors of Hampstead High School, guests of Senator Spollett.

President Bass also welcomed as guests of the Senate, the Republican women workers of Cheshire County.

Communication

President Bass announced the receipt of a communication together with a joint resolution relating to World Government which has recently been passed by the Legislature of California, as follows:

CHAPTER

Assembly Joint Resolution No. 26—Relative to the participation of the United States in a world federal government.

WHEREAS, War is now a threat to the very existence of our civilization, because modern science has produced weapons of war which are overwhelmingly destructive and against which there is no sure defense; and

WHEREAS, The effective maintenance of world peace is the proper concern and responsibility of every American citizen; and

WHEREAS, The people of the State of California, while now enjoying domestic peace and security under the laws of their local, State and Federal Government, deeply desire the guarantee of world peace; and

WHEREAS, All history shows that peace is the product of law and order, and that law and order are the product of government; and

WHEREAS, The United Nations, as presently constituted, although accomplishing great good in many fields, lacks authority to enact, interpret or enforce world law, and under its present charter is incapable of restraining any major nations which may foster or foment war; and

WHEREAS, The charter of the United Nations expressly provides, in Articles 108 and 109, a procedure for reviewing and altering the charter; and

WHEREAS, The necessity for endowing the United Nations with limited powers rendering it capable of enacting, interpreting or enforcing world law adequate to prevent war, and guaranteeing the inalienable rights of freedom for every human being on earth and the dignity of the individual as exemplified by the American Bill of Rights, has been recognized in the California state conventions and platforms of both the Republican and Democratic parties; and

WHEREAS, Many states have memorialized Congress through resolutions by their state legislatures or in referenda by their voters, to initiate steps toward the creation of a world federal government reserving to the nations and to the people those rights not specifically granted as necessary to the establishment and the maintenance of world law and order; and

WHEREAS, Several nations have recently adopted constitutional provisions to facilitate their entry into a world federal government by authorizing a delegation to such a world federal government of a portion of their sovereignty sufficient to endow it with powers adequate to prevent war; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That application is hereby made to the Congress of the United States, pursuant to Article V of the Constitution of the United States, to call a convention for the sole purpose of proposing amendment of the Constitution to expedite and insure the participation of the United States in a world federal government, open to all nations, with powers which, while defined and limited, shall be adequate to preserve peace, whether the proposed charter or constitution of such world federal government be presented in the form of amendments to the charter of the United Nations, or by a world constitutional convention, or otherwise; and be it further

Resolved, That the Chief Clerk of the Assembly be hereby directed to transmit copies of this application to the Senate and the House of Representatives of the Congress, to the members of the Senate and House of Representatives from this State, and to the presiding officers of each of the legislatures of the several states, requesting their co-operation.

.....
Speaker of the Assembly

.....
President of the Senate

Attest:

.....
Secretary of State

Introduction of Bills

Senator Caron, under a suspension of the rules, sixteen senators actually having voted in favor thereof, introduced the following entitled bill, which was read a first and second time, laid upon the table to be printed, and referred to the Committee on Ways and Means:

Senate Bill No. 89, An act relating to residential requirements for primary candidates.

Senator Reinhart, under a suspension of the rules, sixteen senators actually having voted in favor thereof, introduced the following entitled bill, which was read a first and second time, laid upon the table to be printed, and referred to the Committee on Public Health:

Senate Bill No. 90, An act relative to transportation of milk in the state.

Senator Bingham, under a suspension of the rules, sixteen senators actually having voted in favor thereof, introduced the following entitled bill, which was read a first and second time, laid upon the table to be printed, and referred to the Committee on Ways and Means:

Senate Bill No. 91, An act relative to expenditures by the highway department.

President Bass revoked the order whereby he referred Senate Bill No. 91, An act relative to expenditures by the high-

way department, to the Committee on Ways and Means, and referred the above entitled bill to the Committee on Finance.

Committee Reports

Senator Lalumiere, for the Committee on Transportation, to whom was referred:

House Bill No. 366, An act relative to motorized bicycles or scooters.

Having considered the same, reported the same without amendment and recommended its passage.

The report was accepted, and the bill was ordered to a third reading this afternoon at two o'clock.

Senator Bingham, for the Committee on Labor, to whom was referred:

House Bill No. 459, An act relative to workmen's compensation. (Providing for an increase in the amount of weekly compensation.)

Having considered the same, reported the same without amendment and recommended its passage.

The report was accepted, and the bill was ordered to a third reading this afternoon at two o'clock.

Senator Bingham, for the Committee on Labor, to whom was referred:

House Bill No. 460, An act relating to workmen's compensation. (Extension of insurance coverage.)

Having considered the same, reported the same with the following amendment and recommended that the bill as amended ought to pass.

1. *Securing Compensation.* Amend section 8, chapter 216 of the Revised Laws as inserted by chapter 266 of the Laws of 1947 by inserting at the end of paragraph I a new paragraph as follows: I-a. An insurance carrier which does not intend to renew a policy of workmen's compensation insurance covering the liability of an employer under the provisions of this chapter, or which intends to cancel such a policy, shall, thirty days prior to the expiration of such policy, or cancellation date, give notice of such intention to the labor commissioner and to the covered employer. An insurance carrier which fails to give such notice shall continue the policy in

force for thirty days from the day such notice is received by the labor commissioner; provided, however, that the latter provision shall not apply: A. if, prior to such expiration or cancellation date, the insurance carrier has offered to continue insurance beyond such date by delivery of a renewal contract or otherwise: B. if the employer notifies the insurance carrier and the labor commissioner that he does not wish the insurance continued beyond such expiration or cancellation date; or C. the employer complies with paragraph II of this section on or before the expiration or cancellation date of the existing insurance; or D. the employer replaces said insurance with another carrier.

The report was accepted, amendment adopted, and the bill as amended was ordered to a third reading this afternoon at two o'clock.

Senator Burbank, for the Committee on Education, to whom was referred:

House Bill No. 311, An act relating to supervisory unions.

Having considered the same, reported the same without amendment and recommended its passage.

The report was accepted, and the bill ordered to a third reading this afternoon at two o'clock.

Senator Lalumiere, for the Committee on Public Welfare and State Institutions, to whom were referred:

House Bill No. 174, An act to provide for voting by ballot on transferring powers of collector of taxes to town manager.

House Bill No. 432, An act relative to La Societe St. Jean Baptiste de Laconia.

Senate Bill No. 58, An act relative to Concord Female Charitable Society.

House Bill No. 319, An act relating to neglect of husband or father to support wife and children and neglect of mother.

House Bill No. 419, An act relative to town appropriations for hospitals.

Having considered the same, reported the same without amendment and recommended their passage.

The reports were accepted, and the bills were ordered to a third reading this afternoon at two o'clock.

Senator Lalumiere, for the Committee on Public Welfare and State Institutions, to whom was referred:

House Bill No. 418, An act relative to protection of illegitimate children.

Having considered the same, reported the same with the following amendment and recommended that the bill as amended ought to pass.

Amend section 1 of the bill by adding after the word "town" in the twelfth line the words, —or county, so that said section as amended shall read as follows:

1. *Vital Statistics.* Amend chapter 337 of the Revised Laws by inserting after section 4 the following new section: 4-a. *Prohibition.* In the case of an illegitimate child or a child born out of wedlock, the name of the putative father shall not be entered in or upon the birth certificate or birth record of such child without the written consent of the putative father, unless the paternity of the child has been adjudicated. No copy of a birth record of an illegitimate child or a child born out of wedlock, where discernible from information appearing on the certificate, shall be transmitted to the city or town within which the parents reside nor shall a report of such a birth be published in any town or county report.

The report was accepted, amendment adopted, and the bill as amended was ordered to a third reading this afternoon at two o'clock.

Taken from the Table

House Bill No. 57, An act relative to unemployment compensation reciprocal arrangements.

Question being on the adoption of the amendment which was printed in the Journal of April 14.

On a *viva voce* the amendment was adopted, and the bill as amended was ordered to a third reading this afternoon at two o'clock.

Senator Noel, for the Committee on Engrossed Bills, to whom was referred:

House Bill No. 455, An act relative to workmen's compensation. (Clarifying liability of third person.)

Having considered the same, reported the same, under

Joint Rule No. 6, with the following amendment and recommended that the bill as amended ought to pass.

Amend section 1 of said bill by striking out the first three lines and inserting in place thereof the following:

1. *Liability of Third Person.* Amend section 12 of chapter 216 of the Revised Laws as inserted by chapter 266 of the Laws of 1947 by inserting after the word "compensation" in the tenth and the twenty-ninth lines the words, medical, hospital or other.

Further amend said section 1 by inserting after the word "compensation" in the twenty-sixth line the words, medical, hospital or other medical care.

On motion of Senator Otis, the report was accepted, amendment adopted, and the bill as amended was sent to the House of Representatives for concurrence in Senate amendment.

Senator Noel, for the Committee on Engrossed Bills, to whom was referred:

House Bill No. 454, An act providing for revocation of acceptance of workmen's compensation in certain cases.

Having considered the same, reported the same under Joint Rule No. 6, with the following amendment and recommended that the bill as amended ought to pass:

1. *Workmen's Compensation.* Amend chapter 216 of the Revised Laws as inserted by chapter 266 of the Laws of 1947 by inserting after section 3 the following new section:
3-a. *Revocation.* Any employer of less than five persons or of farm labor or domestic servants or any county, city, town, school district, or any other district established by law, may revoke his or its acceptance of the provisions of this chapter by filing a revocation with the labor commissioner which shall be effective thirty days after such filing and by posting a notice of such revocation in a conspicuous place on his premises.

On motion of Senator Noel the report was accepted, amendment adopted, and the bill as amended was sent to the House of Representatives for concurrence in Senate amendment.

Senator Noel, for the Committee on Engrossed Bills, to whom was referred:

House Bill No. 229, An act relating to appeals from taxes assessed against insurance companies by the insurance commissioner.

Having considered the same, reported the same under Joint Rule No. 6 with the following amendment, and recommended that the bill as amended ought to pass:

Amend section 1 of said bill by striking out the first three lines and inserting in place thereof the following:

1. *Appeal From Taxes Assessed Against Insurance Companies.* Amend chapter 323 of the Revised Laws as amended by chapter 71 of the Laws of 1945 by inserting after section 61 the following new section:

On motion of Senator Otis, the report was accepted, amendment adopted, and the bill as amended was sent to the House of Representatives for concurrence in Senate amendment.

Bills Engrossed

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled bills:

Senate Bill No. 30, An act authorizing the superior court to appoint auditors in certain actions at law.

House Bill No. 199, An act providing for additional appropriations for certain departments for the fiscal year ending June 30, 1949.

House Bill No. 227, An act relating to the practice of embalming and funeral directing.

House Bill No. 336, An act relating to the payment of poll taxes.

House Bill No. 374, An act relating to the purchase of milk or cream for resale or manufacture.

House Bill No. 378, An act relating to binder chains on loads of logs, lumber and timber.

House Bill No. 402, An act empowering the superior court to make orders for support in certain cases.

House Bill No. 452, An act relative to airport managers and their powers and duties.

House Bill No. 457, An act relative to workmen's compensation; (clarifying financial responsibility and the payment of compensation).

ALDEGE A. NOEL,
For the Committee.

Senator Noel moved that the Senate reconsider its vote whereby it accepted the report of inexpedient to legislate on last Thursday on House Bill No. 135, An act pertaining to jail sentences.

Senators Noel, Bingham, and Reinhart, spoke briefly in favor of reconsideration.

On a *viva voce* vote the affirmative prevailed, and the motion to reconsider passed.

On motion of Senator Noel the Senate voted to recommit the above entitled bill to the Committee on Judiciary for further consideration.

On motion of Senator Spollett, the following resolution was adopted:

Resolved, That the rules be so far suspended as to permit all business in order for this afternoon at two o'clock to be made in order at the present time.

Third Readings

The following entitled bills were read a third time and passed:

Senate Bill No. 58, An act relative to Concord Female Charitable Society.

House Bill No. 57, An act relative to unemployment reciprocal arrangements.

House Bill No. 174, An act to provide for voting by ballot on transferring powers of collector of taxes to town manager.

House Bill No. 311, An act relating to supervisory unions.

House Bill No. 319, An act relating to neglect of husband or father to support wife and children and neglect of mother.

House Bill No. 366, An act relative to motorized bicycles or scooters.

House Bill No. 418, An act relative to protection of illegitimate children.

House Bill No. 419, An act relative to town appropriations for hospitals.

House Bill No. 432, An act relative to La Societe St. Jean Baptiste de Laconia.

House Bill No. 459, An act relative to workmen's compensation. (Providing for an increase in the amount of weekly compensation.)

House Bill No. 460, An act relating to workmen's compensation. (Extension of insurance coverage.)

On motion of Senator Butman the Senate adjourned.

WEDNESDAY, APRIL 20, 1949.

The Senate met according to adjournment.

Leaves of Absence

Senators Daniell and Burbank were granted leaves of absence on account of important business.

Senator Wiggin was granted a leave of absence on account of illness.

House Message

The following message was received from the House of Representatives, by its Clerk:

Mr. President:

The House of Representatives has passed the following entitled bill, in the passage of which it asks the concurrence of the Honorable Senate:

House Bill No. 113, An act relating to the surveyor of the city of Manchester.

The message further stated that the House of Representatives had voted to concur with the Honorable Senate in the passage of the following entitled bill, sent down from the Honorable Senate:

Senate Bill No. 60, An act relating to the change of name of the Hampton Co-operative Building and Loan Association.

The message further stated that the House of Representatives had voted to adopt the amendments offered by the Com-

mittee on Engrossed Bills, to the following House bills, in the adoption of which amendments the House of Representatives asked the concurrence of the Honorable Senate:

House Bill No. 185, An act relating to photographic copies of documents and records.

Amend section 1 of said bill by striking out the same and inserting in place thereof the following:

1. *Photographic Copies of Documents and Records.*

Amend chapter 392 of the Revised Laws by inserting after section 35 the following new section: 36. *Photographic Copies of Documents and Records.* Copies of public records, documents and entries including the records, documents and entries of every department, board, commission, registry or office of the state or of any county, city or town, and copies of records, documents and entries of any parish, church, hospital, insurance company, bank, trust company or building and loan association, whether or not such records, documents and entries or the copies thereof are made by the photostatic, photographic or microphotographic process, when duly certified by the person in charge of the original records, documents and entries, shall be admitted in evidence to the same extent as the original in any action, proceeding or matter of a civil or criminal nature, in or before any court, commission or administrative agency in this state.

On motion of Senator Noel the Senate voted to concur in the adoption of the amendment offered by the Committee on Engrossed Bills, sent up from the House of Representatives.

House Bill No. 4, An act providing for notice to mortgagee by the tax collector.

Amend section 1 of said bill by striking out the first five lines and inserting in place thereof the following:

1. *Collection of Taxes.* Amend section 25 of chapter 80 of the Revised Laws, as amended by chapter 187, Laws of 1947, by striking out the whole of said section and inserting in place thereof the following: 25. *Notice to Mortgagee.* The purchaser of any real estate sold by a collector of taxes, within thirty days from the date of such sale shall notify all persons

On motion of Senator Otis the Senate voted to concur in the adoption of the amendment offered by the Committee on Engrossed Bills, sent up from the House of Representatives.

Read and Referred

The following entitled bill, sent up from the House of Representatives, was read a first and second time and referred to the Committee on Public Works:

House Bill No. 113, An act relating to the surveyor of the city of Manchester.

Committee Reports

Senator Bingham, for the Committee on Judiciary, to whom were referred:

Senate Bill No. 27, An act authorizing the Cornish School District to borrow money and to issue notes or bonds.

Senate Bill No. 28, An act authorizing the Charlestown School District to borrow money and to issue notes or bonds.

Having considered the same, reported the same with the following resolution:

Resolved, That it is inexpedient to legislate, subject matter covered by other legislation.

The reports were accepted, and the recommendations of the committee were adopted.

Senator Bingham, for the Committee on Judiciary, to whom were referred:

Senate Bill No. 81, An act relating to separate maintenance.

House Bill No. 274, An act concerning the recognition of a divorce obtained in another jurisdiction and to make uniform the law with reference thereto.

House Bill No. 407, An act relative to factors liens.

Having considered the same, reported the same without amendment and recommended their passage.

The reports were accepted, and the bills were ordered to a third reading this afternoon at two o'clock.

Senator Noel, for the Committee on Ways and Means, to whom were referred:

Senate Bill No. 83, An act relative to transfer tax on certain buildings in the town of Hampton.

Senate Bill No. 87, An act validating certain proceedings of the town of Bristol.

House Bill No. 150, An act relative to the salary of the solicitor of Sullivan county.

House Bill No. 279, An act relating to capital reserve funds for cities.

Having considered the same, reported the same without amendment and recommended their passage.

The reports were accepted, and the bills were ordered to a third reading this afternoon at two o'clock.

Senator O'Malley, for the Committee on Finance, to whom was referred:

Senate Bill No. 84, An act extending an appropriation for the Mt. Sunapee recreational project.

Having considered the same, reported the same with the following amendment and recommended that the bill as amended ought to pass.

Amend section 1 of the bill by striking out the words and figures "as of June 30, 1949" in the eighth and ninth lines; so that said section as amended shall read:

1. *Mt. Sunapee Recreational Projects.* Amend section 2 of chapter 153 of the Laws of 1945 by striking out said section and inserting in place thereof the following: 2. *Extension of Time.* The appropriation made for the purposes of chapter 190 of the Laws of 1941, as extended by chapter 155 of the Laws of 1943, shall not lapse but shall be made available for the purposes hereinafter set forth until June 30, 1951. Any balance of said appropriation which has not been used for the purposes of chapter 190 of the Laws of 1941 is made available for the construction of additional facilities at the Mt. Sunapee recreational project. The construction of said additional facilities shall be under the direction of the forestry and recreation commission with the approval of the governor and council.

The report was accepted, amendment adopted, and the bill as amended was ordered to a third reading this afternoon at two o'clock.

Senator O'Malley, for the Committee on Finance, to whom was referred:

House Joint Resolution No. 6, Joint resolution directing the establishment of an interim Commission to make a study

of the laws of the United States and other states and to formulate and prepare a report for submission to the Governor and Council on or before January 1, 1951 for the protection of the democratic principles of government and ideals in this state and for the exposure and expurgation of subversive activities in the state of New Hampshire.

Having considered the same, reported the same without amendment and recommended its passage.

The report was accepted, and the joint resolution was ordered to a third reading this afternoon at two o'clock.

Senator Spollett, for the Committee on Public Works, to whom was referred:

Senate Bill No. 82, An act relative to Milton Fire District.

Having considered the same, reported the same without amendment and recommended its passage.

The report was accepted, and the bill ordered to a third reading this afternoon at two o'clock.

Committee of Conference Reports

The Committee of Conference, to whom was referred House Bill No. 369, An act relative to service exemption for war veterans, having considered the same, reported the same with the following recommendation: That the House recede from its position of non concurrence, that the Senate recede from its position in the adoption of its amendments, and further recommended that the Senate and House adopt the following amendment to said bill.

Amend section 1 of the bill by striking out the same and inserting in place thereof the following:

1. *War Veterans.* Amend section 29, chapter 73 of the Revised Laws as amended by chapter 174, Laws of 1943, by chapter 4, Laws of 1944 and chapter 240, Laws of 1947, by striking out said section and inserting in place thereof the following: 29. *Service Exemption.* Every resident of this state who served not less than ninety days in the armed forces of the United States in any of the following wars or armed conflicts, the Spanish War, Philippine Insurrection, Boxer Rebellion, World War I or World War II, as hereinafter defined, (except those dishonorably discharged from such

service) or the spouse of such resident, or the widow of such resident, and every resident, or the spouse of such resident, whose services were terminated for a service-connected disability, and the widow of any resident who suffered a service-connected death in consideration of such service, shall be exempt each year from taxation upon his or her taxable property as assessed by the selectmen, to the value of one thousand dollars, provided such person and spouse do not own taxable property in this state, exclusive of *bona fide* encumbrances of record thereon, to the value of more than five thousand dollars. The following terms as used in this section shall be construed as follows:

(1) "Spanish War" between April 21, 1898 and April 11, 1899.

(2) "Philippine Insurrection" between April 12, 1899 and July 4, 1902 extended to July 15, 1903 for service in the Moro Provinces.

(3) "Boxer Rebellion" between June 16, 1900 and May 12, 1901.

(4) "World War I" between April 6, 1917 and November 11, 1918 extended to April 1, 1920 for service in Russia, provided that reenlistment in military or naval service on or after November 12, 1918 and before July 2, 1921 where there was prior service between April 6, 1917 and November 11, 1918, shall be considered as World War I service.

(5) "World War II" between December 7, 1941 and December 31, 1946.

Amend the original section numbered 4 of the bill by striking out the whole of said section and renumbering it to read section 3 as follows:

3. *State Tax Commission.* Further amend said chapter 73 of the Revised Laws as amended by chapter 240 of the Laws of 1947 by inserting after section 29-g the following new section: 29-h. *Interpretations and Regulations.* The state tax commission is hereby authorized and empowered to make such reasonable interpretations and constructions of section 29 through 29-g, subject to the approval of the attorney general, as will carry out the spirit and purpose of said sections and to make such reasonable rules and regula-

tions as will insure a uniformity of observance and enforcement of said provisions throughout the state.

Further amend said bill by inserting after section 3 the following new sections:

4. *Burial of Veterans.* Amend section 16, chapter 124 of the Revised Laws as amended by chapter 102 of the Laws of 1943, chapter 88, Laws of 1945, chapter 214, Laws of 1947, and chapter 28, Laws of 1949, by striking out the same and inserting in place thereof the following: 16. *Burial Expenses.* Whenever any member or former member of the armed forces of the United States, who served in any of the following wars or armed conflicts, the Spanish War, Philippine Insurrection, Boxer Rebellion, World War I or World War II, as defined in section 16-a, for a total period of ninety days (unless sooner released from such service by reason of disability incurred in service) and whose services were terminated under conditions other than dishonorable, dies and the commander and adjutant of any recognized veterans organization of which he was a member, or the majority of the selectmen of the town or the mayor of the city in which such veteran dies, if he or she was not a member of such organization, shall certify under oath to the state veterans' council that such veteran did not leave sufficient estate to pay the expense of his or her funeral. the governor shall draft a warrant in favor of the commander or adjutant, selectmen, or mayor, for a sum not exceeding one hundred dollars to defray such burial expenses, provided that the total amount of the funeral expense does not exceed four hundred dollars. Within one year from the time of burial of said veteran an account, verified by vouchers, of the sums so spent for burial expenses shall be sent to the state veterans' council by said commander, adjutant, selectmen, city council or mayor. Whoever neglects or refuses to furnish said account shall be fined ten dollars.

5. *Wars.* Amend chapter 124 of the Revised Laws by inserting after section 16 the following new section: 16-a. *Definition of Terms.* The following terms as used in section 16 shall be construed to mean service between the following dates:

I. "Spanish War" between April 21, 1898 and April 11, 1899.

II. "Philippine Insurrection" between April 12, 1899 and July 4, 1902 extended to July 15, 1903 for service in the Moro Provinces.

III. "Boxer Rebellion" between June 16, 1900 and May 12, 1901.

IV. "World War I" between April 6, 1917 and November 11, 1918 extended to April 1, 1920 for service in Russia, provided that reenlistment in military or naval service on or after November 12, 1918 and before July 2, 1921 where there was prior service between April 6, 1917 and November 11, 1918, shall be considered as World War I service.

V. "World War II" between December 7, 1941 and December 31, 1946.

Further amend said bill by renumbering section 4 to read section 6.

EUGENE S. DANIELL, JR.

MARYE P. CARON.

Conferees on part of Senate.

J. M. ASHLEY.

E. P. ELDREDGE.

HENRY J. GAGNON.

Conferees on part of House.

The Committee of Conference, to whom was referred:

House Bill No. 136, An act relative to liens on logs, lumber or pulpwood for advances made.

Having considered the same, reported the same with the following recommendation:

That the House recede from its position of non-concurrence, that the Senate recede from its position in adopting its amendment, and that the House and Senate adopt the following amendment:

Amend the third paragraph of section 1 of the bill by striking out in the last line the following: "and (c)" and inserting in place thereof the following: (c) and (d), so that said paragraph as amended will read as follows: The term "registered mark" as used in the foregoing sentence means a mark which has been registered in the office of the secretary of state and recorded in the registry of deeds for the county in which such logs, lumber or pulpwood were situated when such

registered mark was placed thereon, in the manner provided in the following sub-sections (a), (b), (c) and (d).

Further amend said section 1 by adding the following new subsection: (d) If requested in writing by anyone interested in any logs, lumber or pulpwood on which there is a lien as provided in this section, the lien holder shall give to such interested party an account, within fifteen days, in writing and under oath; said account shall include all advances claimed to be secured by said lien up to the date of such notice; on failure to furnish such account, said lien shall be voided as against the party making said request. Mailing said account by registered mail postpaid to the party making the request shall be deemed full compliance with this provision.

ARTHUR J. REINHART,
EUGENE S. DANIELL, JR.,

Conferees on the part of the Senate.

BURRITT H. HINMAN,
LAURENCE M. PICKETT,
WINIFRED G. WILD,

Conferees on the part of the House.

The reports were accepted.

Laid on Table

The reports of the committees were laid on the table to be printed in the Journal under the rules.

Senator Noel, for the Committee on Engrossed Bills, to whom was referred:

House Bill No. 465, An act relating to conversion into federal savings and loan associations.

Having considered the same, reported the same under Joint Rule No. 6 with the following amendment, and recommended that the bill as amended ought to pass.

The Clerk proceeded to read the amendment.

On motion of Senator Noel further reading of the amendment was dispensed with.

Amend the title of said bill by striking out the same, and inserting in place thereof the following:

An act relating to conversion between state building and loan associations and federal savings and loan associations.

Amend section 1 of said bill by striking out the first three lines and inserting in place thereof the following:

1. *Building and Loan Associations.* Amend chapter 314 of the Revised Laws by adding at the end thereof the following new subdivision:

Conversion

42. *Conversion Into Federal and Loan Associations.* Any building and loan

Amend the paragraph numbered 38-a by striking out the word "act" in the eleventh line and inserting in place thereof the word, chapter.

Amend the paragraph numbered 38-c by striking out the word "section" in the seventh line and interesting in place thereof the word, subdivision.

Amend the paragraph numbered 38-d by striking out the word "act" in the third line and inserting in place thereof the word, subdivision.

Amend the paragraph numbered 38-e by striking out the fourth, fifth and sixth sentences and inserting in place thereof the following:

Such directors shall then execute two copies of the articles of agreement provided for in this chapter. The bank commissioner may insert in the articles of agreement the following: "This association is incorporated by conversion from a federal savings and loan association." The directors chosen for the association shall all sign and acknowledge the articles of agreement as subscribers thereto.

Amend the paragraph numbered 38-f by striking out the word "subdivision" and inserting in place thereof the word, chapter,

Further amend section 1 of the bill by renumbering the paragraphs numbered 38-a to 38-i so that the same will read 43 to 51 inclusive.

Amend section 2 of said bill by striking out the same and inserting in place thereof the following:

2. *Repeal.* Section 38 of chapter 314 of the Revised Laws relative to meetings of officers of building and loan associations is hereby repealed.

Further amend said bill by inserting after section 2 the following new section:

3. *Takes Effect.* This act shall take effect upon its passage.

On motion of Senator Noel the report was accepted, amendment adopted, and the bill as amended was sent to the House of Representatives for concurrence in Senate amendment.

Senator Noel, for the Committee on Engrossed Bills, to whom was referred:

House Bill No. 417, An act relative to taxation of property.

Having considered the same, reported the same, under Joint Rule No. 6, with the following amendment and recommended that the bill as amended ought to pass.

Amend section 1 of said bill by striking out the same and inserting in place thereof the following:

1. *Taxation.* Amend section 5 of chapter 74 of the Revised Laws by inserting after the word "elsewhere" in the third line the words, in this state, so that said section as amended shall read as follows: 5. *Removal of Property.* Any person going into any town in this state, and taking with him any property upon which a tax has not been assessed and paid elsewhere in this state for that year, and doing business therein with such property after April first and before December thirty-first of any year, shall be taxed on such property in such town as in the cases of persons who have escaped taxation.

On motion of Senator Otis, the report was accepted, amendment adopted, and the bill as amended was sent to the House of Representatives for concurrence in Senate amendment.

Bills Engrossed

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled bills:

Senate Bill No. 16, An act relative to operation of motor vehicles by amputees.

House Bill No. 224, An act relative to allegations of misconduct in divorce proceedings.

House Bill No. 354, An act relating to enlarging school-house lots.

ALDEGE A. NOEL,
For the Committee.

On motion of Senator Spollett the following resolution was adopted:

Resolved, That the rules be so far suspended as to permit all business in order for this afternoon at two o'clock to be made in order at the present time.

Third Readings

The following entitled bills and joint resolution were read a third time and passed:

Senate Bill No. 81, An act relating to separate maintenance.

Senate Bill No. 82, An act relative to Milton Fire District.

Senate Bill No. 83, An act relative to transfer tax on certain buildings in the town of Hampton.

Senate Bill No. 84, An act extending an appropriation for the Mt. Sunapee recreational project.

Senate Bill No. 87, An act validating certain proceedings of the town of Bristol.

House Bill No. 150, An act relative to the salary of the solicitor of Sullivan county.

House Bill No. 274, An act concerning the recognition of a divorce obtained in another jurisdiction and to make uniform the law with reference thereto.

House Bill No. 279, An act relating to capital reserve funds for cities.

House Bill No. 407, An act relative to factors liens.

House Joint Resolution No. 6, Joint resolution directing the establishment of an Interim Commission to make a study of the laws of the United States and other states and to formulate and prepare a report for submission to the Governor and Council on or before January 1, 1951 for the protection of the democratic principles of government and ideals in this state and for the exposure and expurgation of subversive activities in the State of New Hampshire.

On motion of Senator Butman the Senate adjourned.

THURSDAY, APRIL 21, 1949

The Senate met according to adjournment.

Leave of Absence

Senator Daniell was granted a leave of absence on account of important business.

House Message

The following message was received from the House of Representatives, by its Clerk:

Mr. President:

The House of Representatives has voted to concur with the Honorable Senate in its amendments to the following entitled bills:

House Bill No. 418, An act relative to protection of illegitimate children.

House Bill No. 460, An act relating to workmen's compensation. (Extension of insurance coverage.)

The message further stated that the House of Representatives had voted to concur with the Honorable Senate in its adoption of the amendments offered by the Committee on Engrossed Bills to the following entitled bills:

House Bill No. 229, An act relating to appeals from taxes assessed against insurance companies by the insurance commissioner.

House Bill No. 454, An act providing for revocation of acceptance of workmen's compensation in certain cases.

House Bill No. 455, An act relative to workmen's compensation. (Clarifying liability of third person.)

The message further stated that the House of Representatives had voted to accede to the request of the Senate for a Committee of Conference on:

Senate Joint Resolution No. 2, Joint resolution to establish an Interim Commission to study the laws of the state pertaining to public utilities.

The Speaker appointed as members on such committee, on the part of the House, Messrs. Corson of Derry and Laraba of Portsmouth, and Mrs. McPhail of Manchester.

The message further stated that the House of Representatives had voted to adopt the Committee of Conference report to the following entitled bills:

House Bill No. 136, An act relative to liens on logs, lumber or pulpwood for advances made.

House Bill No. 369, An act relative to service exemption for war veterans.

The message further stated that the House of Representatives had voted to non-concur with the Honorable Senate in its amendment to the following entitled bill and asked for a Committee of Conference:

House Bill No. 57, An act relative to unemployment reciprocal arrangements.

The Speaker appointed as members on such committee, on the part of the House, Messrs. Rowell of Newport, Thompson of Effingham and Angus of Claremont.

On motion of Senator Caron the Senate voted to accede to the request of the House of Representatives for a Committee of Conference on the above entitled bill.

The President appointed as members of such committee, on the part of the Senate, Senators Dole and Caron.

Introduction of Bills

Senator Wiggin, under a suspension of the rules, sixteen senators actually having voted in favor thereof, introduced the following entitled bills, which were read a first and second time, laid upon the table to be printed, and referred:

To the Committee on Judiciary:

Senate Bill No. 92, An act to increase the borrowing power of the town of Pembroke.

To the Committee on Ways and Means:

Senate Bill No. 93, An act relating to the municipal budget law and the duties of officials thereunder.

Senator Lalumiere, under a suspension of the rules, sixteen senators actually having voted in favor thereof, introduced the following entitled bills, which were read a first and second time, laid upon the table to be printed, and referred:

To the Committee on Public Welfare and State Institutions:

Senate Bill No. 94, An act relating to beano.

To the Committee on Fisheries and Game, Forestry and Recreation:

Senate Bill No. 95, An act relative to fishing in Cold Spring Pond in Allenstown.

Senator Hartnett, under a suspension of the rules, sixteen senators actually having voted in favor thereof, introduced the following entitled bill, which was read a first and second time, laid upon the table to be printed, and referred:

To the Committee on Judiciary:

Senate Bill No. 96, An act relative to allowances to widow from deceased husband's estate.

Senator Caron, under a suspension of the rules, sixteen senators actually having voted in favor thereof, introduced the following entitled bill, which was read a first and second time, laid upon the table to be printed, and referred:

To the Committee on Banks and Insurance:

Senate Bill No. 97, An act relative to deposit of city funds in banks.

On motion of Senator Noel the following resolution was adopted:

Resolved, That the Honorable Senate desires to express its appreciation to the A Cappella Choir of Plymouth Teachers' College for their excellent concert in the House of Representatives yesterday morning.

Taken from the Table

The Committee of Conference report on House Bill No. 369, An act relative to service exemption for war veterans, printed in the Journal of April 20, was taken from the table.

The question being on the adoption of the Committee of Conference report.

On motion of Senator McMeekin the Senate voted to concur in the adoption of the Committee of Conference report.

The Committee of Conference report on House Bill No. 136, An act relative to liens on logs, lumber or pulpwood for

advances made, printed in the Journal of April 20, was taken from the table.

Senator Reinhart moved that the report of the Committee of Conference be adopted.

Senator Reinhart withdrew his motion and moved that the Committee of Conference report be laid upon the table for further consideration.

On a *viva voce* vote, the affirmative prevailed, and the report of the Committee of Conference on the above entitled bill was laid upon the table.

Introduction of Guest

President Bass welcomed as one of the guests of the Senate, Fr. Edward of St. Anselm's College in Goffstown.

On motion of Senator Spollett the following resolution was adopted:

Resolved, That the rules be so far suspended, as to permit all business in order for this afternoon at two o'clock to be made in order at the present time.

On motion of Senator Tarlson the following resolution was adopted:

Resolved, That when the Senate adjourns today it be to meet Monday morning at 11:00 o'clock.

On motion of Senator Butman the Senate adjourned.

MONDAY, APRIL 25, 1949

The Senate met according to adjournment.

House Message

The following message was received from the House of Representatives, by its Clerk:

Mr. President:

The House of Representatives has passed the following entitled bills and joint resolution, in the passage of which it asks the concurrence of the Honorable Senate:

House Bill No. 67, An act relative to unemployment compensation.

House Bill No. 245, An act relative to communicable diseases.

House Bill No. 326, An act relating to compensation of the election officials of the city of Manchester.

House Bill No. 429, An act relative to unemployment compensation adjustments and refunds.

House Joint Resolution No. 7, Joint resolution relative to Phineas J. Poor estate.

The message further stated that the House of Representatives concurred with the Honorable Senate in the passage of the following entitled bills, with amendments, in the passage of which amendments the House of Representatives asked the concurrence of the Honorable Senate:

Senate Bill No. 73, An act in relation to the assessment of taxes.

Amend said bill by inserting a new section as follows:

4. Amend section 20 of said chapter 74 by striking out in the first line the words "of nonresidents" so that said section as amended shall read as follows: 20. *Unimproved Lands.* Unimproved lands shall be taxed in the name of the owner, if known; otherwise in the name of the original proprietor, if known; otherwise without any name, and by the number of lot and range, and the quantity thereof, if lotted; or by such other description as it may be readily known by.

On motion of Senator Hartnett, the Senate voted to concur in the adoption of the amendment, sent up from the House of Representatives.

The message further stated that the House of Representatives had voted to concur with the Honorable Senate in the passage of the following entitled bills, sent down from the Honorable Senate:

Senate Bill No. 65, An act legalizing certain proceedings for meetings in the town of Greenfield.

Senate Bill No. 66, An act legalizing certain meetings in the town of Francestown.

The message further stated that the House of Representatives had accepted the request of Rae S. Laraba, Isabel McPhail,

and Harold W. Corsen to withdraw from the Committee of Conference on Senate Joint Resolution No. 2, Joint Resolution to establish an Interim Commission to study the laws of the state pertaining to public utilities.

The Speaker appointed as members of the above Committee of Conference, Messrs. Zopf of Claremont, Johnson of Northwood, and Sawyer of Concord.

Read and Referred

The following entitled bills and joint resolution, sent up from the House of Representatives, were read a first and second time and referred:

To the Committee on Labor:

House Bill No. 67, An act relative to unemployment compensation.

House Bill No. 429, An act relative to unemployment compensation adjustments and refunds.

To the Committee on Public Health:

House Bill No. 245, An act relative to communicable diseases.

To the Committee on Judiciary:

House Bill No. 326, An act relating to compensation of the election officials of the city of Manchester.

To the Committee on Finance:

House Joint Resolution No. 7, Joint resolution relative to Phineas J. Poor estate.

Introduction of Bills and Joint Resolution

Senator Pierce, under a suspension of the rules, sixteen senators actually having voted in favor thereof, introduced the following entitled bills and joint resolution, which were read a first and second time, laid upon the table to be printed and referred:

To the Committee on Transportation:

Senate Bill No. 101, An act pertaining to conduct of operator of motor vehicle after accident.

To the Committee on Public Welfare and State Institutions:

Senate Bill No. 102, An act licensing child placing and child caring agencies.

To the Committee on Finance:

Senate Joint Resolution No. 17, Joint resolution in favor of the estate of Alice W. Poole.

Senator Caron, under a suspension of the rules, sixteen senators actually having voted in favor thereof, introduced the following entitled bill, which was read a first and second time, laid upon the table to be printed, and referred: .

To the Committee on Ways and Means:

Senate Bill No. 100, An act in relation to municipal utilities.

Senator Otis, under a suspension of the rules, sixteen senators actually having voted in favor thereof, introduced the following entitled bill, which was read a first and second time, laid upon the table to be printed, and referred:

To the Committee on Banks and Insurance:

Senate Bill No. 98, An act relating to loan and trust savings banks.

Senator McMeekin, under a suspension of the rules, sixteen senators actually having voted in favor thereof, introduced the following entitled bill, which was read a first and second time, laid on the table to be printed, and referred to the Committee on Education:

Senate Bill No. 99, An act relative to insertion of articles in the warrant for school district meeting.

Committee Reports

Senator Noel, for the Committee on Ways and Means, to whom were referred:

Senate Bill No. 61, An act legalizing school district meeting in the town of Newfields held March 5, 1949.

House Bill No. 210, An act to provide for a presidential preference primary.

House Bill No. 380, An act relative to competitive bidding for county purchase.

House Bill No. 388, An act authorizing the sale of certain property of the state in the town of Dorchester.

Having considered the same, reported the same without amendment, and recommended its passage.

The reports were accepted, and the bills were ordered to a third reading this afternoon at two o'clock.

Senator Bingham, for the Committee on Judiciary, to whom was referred:

House Bill No. 381, An act relative to the salary of the special justice of the municipal court of Dover.

Having considered the same, reported the same with the following amendment, and recommended that the bill as amended ought to pass:

Amend section 1 of the bill by striking out the words "three hundred dollars" following the word "Dover" in the third and fourth lines and in the eleventh line, and substituting in place thereof the following: ten dollars a day for each day or part thereof that he shall serve in the capacity of special justice, but not in excess of three hundred dollars per year; so that said section as amended shall read as follows:

1. *Dover Municipal Court.* Amend section 4 of chapter 377 of the Revised Laws as amended by chapters 179 and 260 of the Laws of 1947 by inserting after the words "fifteen hundred dollars" in the ninth line the words, of Dover ten dollars a day for each day or part thereof that he shall serve in the capacity of special justice, but not in excess of three hundred dollars per year, so that said section as amended shall read as follows: 4. *Compensation of Special Justices.* The special justice and justice of the peace requested to sit owing to the disqualification of the justice and special justice shall be paid, from the treasury of the city or town wherein said court is located, three dollars a day for each day or part thereof that he shall serve in said capacity; provided, that the annual salaries of the special justices of the municipal courts of the following cities and town shall be as follows, of Manchester eighteen hundred dollars, of Nashua fifteen hundred dollars, of Dover ten dollars a day for each day or part thereof that he shall serve in the capacity of special justice, but not in excess of three hundred dollars per year, of Concord five hundred dollars, of Portsmouth four hundred dollars, of Laconia two hundred dollars, and of Hampton one hundred and fifty dollars to be paid by said cities and town, respectively, quarterly, and shall be in lieu of any other compensation or fees to such justices.

Senator Hartnett briefly explained the amendment to the Senate.

The question being on the adoption of the amendment.

On a *viva voce* vote the affirmative prevailed, the amendment was adopted, and the bill as amended was ordered to a third reading this afternoon at two o'clock.

Senator Lalumiere, for the Committee on Transportation, to whom was referred:

House Bill No. 298, (in new draft), An act relating to the New Hampshire motor carrier act.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted, and the bill was ordered to a third reading this afternoon at two o'clock.

Senator Noel, for the Committee on Engrossed Bills, to whom was referred:

House Bill No. 150, An act relative to the salary of the solicitor of Sullivan County.

Having considered the same, reported the same, under Joint Rule No. 6, with the following amendment, and recommended that the bill as amended ought to pass:

Amend section 1 of said bill by striking out the first four lines and inserting in place thereof the following:

1. *Salary of Solicitor of Sullivan County.* Amend section 20 of chapter 24 of the Revised Laws as amended by chapters 40 and 136 of the Laws of 1943, and by chapters 2, 27, 202, 213, 242, 263, 268 and 270 of the Laws of 1947, by striking out the word "twelve."

On motion of Senator Noel, the report was accepted, amendment adopted, and the bill as amended was sent to the House of Representatives for concurrence in Senate amendment.

Senator Noel, for the Committee on Engrossed Bills, to whom was referred:

House Bill No. 274, An act concerning the recognition of a divorce obtained in another jurisdiction, and to make uniform the law with reference thereto.

Having considered the same, reported the same under Joint Rule No. 6, with the following amendment, and recommended that the bill as amended ought to pass:

Amend said bill by inserting before section 1 the following:

1. *Divorce Obtained in Another Jurisdiction.* Amend the Revised Laws by inserting after chapter 339 the following new chapter:

Chapter 339-A

Uniform Divorce Recognition Law

Amend section 4 of said bill by striking out the word "act" and inserting in place thereof the word, Law.

Further amend said bill by renumbering sections 5 and 6 to read 2 and 3 respectively.

On motion of Senator Otis, the report was accepted, amendment adopted, and the bill as amended was sent to the House of Representatives for concurrence in Senate amendment.

Senator Noel, for the Committee on Engrossed Bills, to whom was referred:

House Bill No. 279, An act relating to capital reserve funds for cities.

Having considered same, reported the same under Joint Rule No. 6, with the following amendment, and recommended that the bill as amended ought to pass:

Amend section 7 by striking out the last three lines and inserting in place thereof the following: vote; and the city treasurer on receipt of said copy shall transfer immediately to the trustees of trust funds of said city the amount specified in said vote.

Amend section 11 of said bill by striking out the last three lines and inserting in place thereof the following: improvement or specified item or type of equipment and such change shall be made only after a public hearing held pursuant to notice as provided in section 2.

On motion of Senator Noel, the report was accepted, amendment adopted, and the bill as amended was sent to the House of Representatives for concurrence in Senate amendment.

Senator Noel, for the Committee on Engrossed Bills, to whom was referred:

House Bill No. 311, An act relating to supervisory unions.

Having considered the same, reported the same under Joint Rule No. 6, with the following amendment, and recommended that the bill as amended ought to pass:

Amend section 1 of said bill by striking out the first nine lines and inserting in place thereof the following:

1. *Supervisory Unions.* Amend chapter 135 of the Revised Laws by inserting after section 46 the following new section: 47. *Budget.* At a meeting held before January first of each year the supervisory union board shall adopt a budget required for the expenses of the supervisory union for the next fiscal year, which budget may include the salary and expenses of supervisors of health, physical education, music, art and guidance, and any other employees, and expenses necessary for the operation of the supervisory union. The supervisory union board shall apportion the total amount of the budget among the constituent school districts on the following basis, provided that each district shall be required to pay for only those services in which they share. The basis for the apportionment

On motion of Senator Otis, the report was accepted, amendment adopted, and the bill as amended was sent to the House of Representatives for concurrence in Senate amendment.

Senator Noel, for the Committee on Engrossed Bills, to whom was referred:

Senate Bill No. 24, An act relating to claims and liens against estates.

Having considered the same, reported the same, under Joint Rule No. 6, with the following amendment and recommended that the bill as amended ought to pass.

Amend section 1 of said bill by striking out the same and inserting in place thereof the following:

1. *Estates.* Amend section 32 of chapter 126 of the Revised Laws by striking out the same and inserting in place thereof the following new section: 32. *Claims and Liens.* The estate of every recipient, and the estate of his or her spouse, residing with said recipient, if any, owned severally or as joint tenants, shall be holden for all assistance granted to the recipient. All such liens shall continue during the life-

time of the recipient and of the spouse of the recipient, if any, unless sooner released by the commissioner. Within thirty days after the first grant of assistance to a recipient, the commissioner shall file with the register of deeds of the county in which the recipient, or the spouse of the recipient, if any, owns real property and with the town clerk of the town in which the recipient and the spouse of the recipient, if any, resides, notice of the lien, together with the name of the recipient, and the spouse of the recipient, if any. The register of deeds and town clerks shall keep a suitable record of such notices without charging any fee therefor and enter thereon an acknowledgment of satisfaction upon written request from the commissioner.

On motion of Senator Noel, the report was accepted, amendment adopted, and the bill as amended was sent to the House of Representatives for concurrence in Senate amendment.

Taken from the Table

Senator Reinhart moved that the report of the Committee of Conference on House Bill No. 136, An act relative to liens on logs, lumber or pulpwood for advances made, be taken from the table.

The Committee of Conference, to whom was referred House Bill No. 136, An act relative to liens on logs, lumber or pulpwood for advances made, having considered the same, reported the same with the following recommendation:

That the House recede from its position of non-concurrence, that the Senate recede from its position in adopting its amendment, and that the House and Senate adopt the following amendment:

Amend the third paragraph of section 1 of the bill by striking out in the last line the following: "and (c)" and inserting in place thereof the following: , (c) and (d), so that said paragraph as amended will read as follows: The term "registered mark" as used in the foregoing sentence means a mark which has been registered in the office of the Secretary of State and recorded in the registry of deeds for the county in which such logs, lumber or pulpwood were situated when such registered mark was placed thereon, in the manner provided in the following sub-sections (a), (b), (c) and (d).

Further amend said section 1 by adding the following new sub-section: (d) If requested in writing by anyone interested in any logs, lumber or pulpwood on which there is a lien as provided in this section, the lien holder shall give to such interested party an account, within fifteen days, in writing and under oath; said account shall include all advances claimed to be secured by said lien up to the date of such notice; on failure to furnish such account, said lien shall be voided as against the party making said request. Mailing said account by registered mail postpaid to the party making the request shall be deemed full compliance with this provision.

ARTHUR J. REINHART,
EUGENE S. DANIELL, JR.,

Conferees on the part of the Senate.

BURRITT H. HINMAN,
LAURENCE M. PICKETT,
WINIFRED G. WILD,

Conferees on the part of the House.

On motion of Senator Reinhart, the Senate voted to adopt the Committee of Conference report.

Engrossed Bills

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled bills:

Senate Bill No. 47, An act relative to the salaries of the commissioners of Hillsborough County.

House Bill No. 4, An act providing for notice to mortgagee by the tax collector.

House Bill No. 174, An act to provide for voting by ballot on transferring powers of collectors of taxes to town manager.

House Bill No. 185, An act relating to photographic copies of documents and records.

House Bill No. 229, An act relating to appeals from taxes assessed against insurance companies by the insurance commissioner.

House Bill No. 407, An act relative to factors liens.

House Bill No. 419, An act relative to town appropriations for hospitals.

ALDEGE A. NOEL,
For the Committee.

On motion of Senator Spollett the following resolution was adopted:

Resolved, That the rules be so far suspended as to permit all business in order for this afternoon at two o'clock to be made in order at the present time.

Third Readings

The following entitled bills were read a third time, and passed:

Senate Bill No. 61, An act legalizing school district meeting in the town of Newfields held March 5, 1949.

House Bill No. 210, An act to provide for a presidential preference primary.

House Bill No. 298, (in new draft), An act relating to the New Hampshire motor carrier act.

House Bill No. 380, An act relative to competitive bidding for county purchases.

House Bill No. 381, An act relative to the salary of the special justice of the municipal court of Dover.

House Bill No. 388, An act authorizing the sale of certain property of the state in the town of Dorchester.

On motion of Senator Butman the Senate adjourned.

TUESDAY, APRIL 26, 1949

The Senate met according to adjournment.

House Message

The following message was received from the House of Representatives, by its Clerk:

Mr. President:

The House of Representatives has passed the following entitled bills and joint resolutions, in the passage of which it asks the concurrence of the Honorable Senate:

House Bill No. 16, (in new draft and with new title), An act relating to yearly pensions for employees of the highway department and for certain appointed officials of the city of Manchester.

House Bill No. 107, An act relating to shooting human beings while hunting.

House Bill No. 303, An act relative to divorce decrees.

House Joint Resolution No. 19, Joint resolution in favor of the estate of Frank H. Peaslee.

House Joint Resolution No. 24, Joint resolution appropriating money for renovation of the ventilating system in the House of Representatives.

House Joint Resolution No. 29, Joint resolution in favor of the estate of William K. Davis.

House Joint Resolution No. 30, Joint resolution in favor of the estate of E. James Winslow.

The message further stated that the House of Representatives had voted to concur with the Honorable Senate in the passage of the following entitled bill, sent down from the Honorable Senate:

Senate Bill No. 41, An act relative to the staff of the Governor as Commander-in-Chief.

The message further stated that the House of Representatives refused to concur with the Honorable Senate in the passage of the following entitled bill:

Senate Bill No. 51, An act relative to the licensing of practical nurses.

The message further stated that the House of Representatives had voted to adopt the amendment offered by the Committee on Engrossed Bills, to the following bill, in the adoption of which amendment the House of Representatives asked the concurrence of the Honorable Senate:

Senate Bill No. 46, An act relating to the laying out of Class I and II highways.

Amend section 4 of said bill by striking out the same and inserting in place thereof the following:

4. *Duty of Commission.* Amend section 16 of Part 4 of chapter 90 of the Revised Laws as inserted by chapter 188 of the Laws of 1945 by striking out said section and inserting in place thereof the following: 16. *Certificate of Tender.* The commission shall file with the Secretary of State a certificate that payment or tender of payment of the damages assessed by the commission has been made to each owner or, if the

owner is unknown, or if the identity of the person who may be entitled to damages is uncertain, or the residence of such owner or person is unknown or uncertain, that tender of such damages has been made by deposit with the state treasurer, or if dispute has arisen, such tender has been made in the superior court, and the certificate of tender shall state the sum tendered to each landowner and his refusal or acceptance thereof.

On motion of Senator Bingham, the Senate voted to adopt the amendment offered by the Committee on Engrossed Bills, sent up from the House of Representatives.

Senate Bill No. 60, An act relating to the change of name of the Hampton Co-operative Building and Loan Association.

Amend section 1 of said bill by striking out the last three lines and inserting in place thereof the following: thirty, 1915, is changed hereby to Hampton Co-operative Bank.

On motion of Senator Otis the Senate voted to adopt the amendment offered by the Committee on Engrossed Bills, sent up from the House of Representatives.

Read and Referred

The following entitled bills and joint resolutions, sent up from the House of Representatives, were read a first and second time, and referred:

To the Committee on Judiciary:

House Bill No. 16, An act relating to pensions for certain officials and employees of the city of Manchester.

House Bill No. 303, An act relative to divorce decrees.

To the Committee on Fisheries and Game, Forestry and Recreation:

House Bill No. 107, An act relating to shooting human beings while hunting.

To the Committee on Finance:

House Joint Resolution No. 24, Joint resolution appropriating money for renovation of the ventilating system in the House of Representatives.

Senator C. Cummings moved that the rules be suspended, reference to committee be dispensed with, and the foregoing

entitled joint resolution be read a third time and passed at the present time.

On a *viva voce* vote the affirmative prevailed, and the joint resolution was read a third time and passed.

To the Committee on Finance:

House Joint Resolution No. 19, Joint resolution in favor of the estate of Frank H. Peaslee.

House Joint Resolution No. 29, Joint resolution in favor of the estate of William K. Davis.

House Joint Resolution No. 30, Joint resolution in favor of the estate of E. James Winslow.

Introduction of Bills

Senator Butman, under a suspension of the rules, sixteen senators actually having voted in favor thereof, introduced the following entitled bill, which was read a first and second time, laid upon the table to be printed and referred to the Committee on Education:

Senate Bill No. 104, An act ratifying certain action taken by the school district of Pelham.

Senator McMeekin, under a suspension of the rules, sixteen senators actually having voted in favor thereof, introduced the following entitled bill, which was read a first and second time, laid on the table to be printed and referred to the Committee on Ways and Means.

Senate Bill No. 103, An act relative to adjustments to tax payers in the town school district of Bath.

Introduction of Guests

President Bass welcomed as guests of the Senate, the Women Republican Workers of Carroll County.

Committee Reports

Senator Burbank, for the Committee on Education, to whom was referred:

House Bill No. 404, An act relating to New England College.

Having considered the same, reported the same without amendment and recommended its passage.

The report was accepted, and the bill was ordered to a third reading this afternoon at two o'clock.

Senator Burbank, for the Committee on Education, to whom was referred:

Senate Bill No. 80, An act relative to members of the school board.

Having considered the same, reported the same with the following resolution,

Resolved, That it is inexpedient to legislate.

The report was accepted, and the recommendation of the committee was adopted.

Senator Wiggin, for the Committee on Fisheries and Game, Forestry and Recreation, to whom was referred:

Senate Bill No. 95, An act relative to fishing in Cold Spring Pond, Allentown.

Having considered the same, reported the same with the following amendment and recommended that the bill as amended ought to pass.

Amend section 1 of the bill by striking out the word "five" in the sixth line and substituting therefor the word ten; so that said section as amended shall read as follows:

1. *Cold Spring Pond*. Brook trout not less than six inches in length may be taken and possessed from May first to September thirtieth by the use of artificial flies only in Cold Spring Pond in the town of Allentown. During the open season therefor no person may take more than ten trout from said pond in any one day.

The report was accepted, amendment adopted, and the bill as amended was ordered to a third reading this afternoon at two o'clock.

Senator Noel, for the Committee on Ways and Means, to whom was referred:

Senate Bill No. 89, An act relating to residential requirements for primary candidates.

Having considered the same, reported the same without amendment and recommended its passage.

The report was accepted, and the bill was ordered to a third reading this afternoon at two o'clock.

Recalled from the Governor

On motion of Senator Hartnett the following resolution was adopted:

Resolved, That His Excellency, the Governor, be requested to return to the Senate Chamber for further consideration, House Bill No. 185, An act relating to photographic copies of documents and records.

Bill Returned from the Governor

Pursuant to the above request, His Excellency, the Governor, returned to the Senate for further consideration the following entitled bill:

House Bill No. 185, An act relating to photographic copies of documents and records.

On motion of Senator Hartnett the rules were suspended to allow a reconsideration of the vote on House Bill No. 185, An act relating to photographic copies of documents and records.

On motion of the same Senator, the Senate voted to reconsider its vote whereby the bill passed.

On motion of the same Senator the Senate voted to reconsider its vote whereby the bill was ordered to a third reading.

On motion of the same Senator the Senate voted to recommit House Bill No. 185, An act relating to photographic copies of documents and records to the Committee on Judiciary for further consideration.

Senator Dole, for the Committee on Labor, was granted permission for use of the Senate Chamber for a public hearing on Tuesday, May 3 at 1:30 P. M.

On motion of Senator Spollett the following resolution was adopted.

Resolved, That the rules be so far suspended as to permit all business in order for this afternoon at two o'clock to be made in order at the present time.

Third Readings

The following entitled bills were read a third time and passed:

Senate Bill No. 89, An act relating to residential requirements for primary candidates.

Senate Bill No. 95, An act relative to fishing in Cold Spring Pond, Allenstown.

House Bill No. 404, An act relating to New England College.

On motion of Senator Butman the Senate adjourned.

WEDNESDAY, APRIL 27, 1949

The Senate met according to adjournment.

Leave of Absence

Senator Reinhart was granted a leave of absence on account of important business.

House Message

The following message was received from the House of Representatives, by its Clerk:

Mr. President:

The House of Representatives has passed the following entitled bills and joint resolution, in the passage of which it asks the concurrence of the Honorable Senate:

House Bill No. 139, An act relating to interest on small loans.

House Bill No. 297, An act relating to contracts by married women.

House Bill No. 367, An act to amend the charter of the city of Nashua relative to purchases by city departments.

House Joint Resolution No. 32, Joint resolution in favor of the estate of Louis H. Douphinett.

The message further stated that the House of Representatives had voted to concur with the Honorable Senate in the passage of the following entitled bill, sent down from the Honorable Senate:

Senate Bill No. 53, An act relative to limitation on amount of fraternal benefit society payments.

The message further stated that the House of Representatives concurred with the Honorable Senate in the passage of the following entitled bill, with amendment, in the passage of which amendment the House of Representatives asked the concurrence of the Honorable Senate:

Senate Bill No. 14, An act relative to liability insurance for tractors.

1. *Motor Vehicle Liability Insurance.* Amend section 1 of chapter 122 of the Revised Laws by adding at the end thereof a new paragraph to read as follows: IX. "Motor vehicle," any self-propelled vehicle not operated exclusively upon stationary tracks, except farm tractors and crawler type tractors.

On motion of Senator Wiggin the Senate voted to concur in the amendment to the above entitled bill, sent up from the House of Representatives.

The message further stated that the House of Representatives had voted to adopt the following concurrent resolution:

Concurrent Resolution, Memorializing Congress concerning New Hampshire Rural Rehabilitation Corporation.

The above concurrent resolution was referred to the Committee on Agriculture.

The message further stated that the House of Representatives had voted to concur with the Honorable Senate in its adoption of the amendments offered by the Committee on Engrossed Bills, to the following entitled bills:

House Bill No. 150, An act relative to the salary of the solicitor of Sullivan county.

House Bill No. 274, An act concerning the recognition of a divorce obtained in another jurisdiction and to make uniform the law with reference thereto.

House Bill No. 279, An act relating to capital reserve funds for cities.

House Bill No. 311, An act relating to supervisory unions.

Senate Bill No. 24, An act relating to claims and liens against estates.

The message further stated that the House of Representatives had voted to non-concur with the Honorable Senate in its amendment to the following entitled bill and asked for a Committee of Conference.

House Bill No. 381, An act relative to the salary of the special justice of the municipal court of Dover.

The Speaker appointed as members on such committee, Messrs. Stocklan of Dover, Pickett of Keene, and Baxter of Millsfield.

On motion of Senator Hartnett the Senate voted to accede to the request of the House of Representatives for a Committee of Conference on the above entitled bill.

President Bass appointed as members of such committee, on the part of the Senate, Senators Hartnett and Reinhart.

Read and Referred

The following entitled bills and joint resolution, sent up from the House of Representatives, were read a third time, and referred:

To the Committee on Banks and Insurance:

House Bill No. 139, An act relating to interest on small loans.

To the Committee on Judiciary:

House Bill No. 297, An act relating to contracts by married women.

To the Committee on Ways and Means:

House Bill No. 367, An act to amend the charter of the city of Nashua relative to purchases by city departments.

Senator Noel moved that the rules be suspended, reference to committee be dispensed with and the above entitled bill be put on its third reading and final passage at the present time.

On a *viva voce* vote the affirmative prevailed, and the bill was read a third time and passed.

To the Committee on Finance:

House Joint Resolution No. 32, Joint resolution in favor of the estate of Louis H. Douphinett.

Introduction of Bill

The Committee on Rules introduced the following entitled bill, which was read a first and second time, laid on the table to be printed, and referred to the Committee on Ways and Means.

Senate Bill No. 105, An act relative to the state racing commission and rules and regulations of said commission.

Committee Reports

Senator O'Malley, for the Committee on Finance, to whom was referred:

Senate Bill No. 91, An act relative to expenditures by the highway department.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted, and the bill was ordered to a third reading this afternoon at two o'clock.

Senator Spollett, for the Committee on Transportation, to whom were referred:

House Bill No. 100, An act relating to a road use tax on certain out of state vehicles.

House Bill No. 464, An act relative to operators and commercial operators licenses.

House Bill No. 468, An act relating to the expiration of licenses to operator motor vehicles.

Having considered the same, reported the same without amendment, and recommended their passage.

The reports were accepted, and the bills were ordered to a third reading this afternoon at two o'clock.

Senator Butman, for the Committee on Banks and Insurance, to whom was referred:

Senate Bill No. 97, An act relative to deposit of city funds in banks.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted, and the bill was ordered to a third reading this afternoon at two o'clock.

Senator Caron, for the Committee on Public Health, to whom was referred:

House Bill No. 98, An act providing for the classification of certain surface waters.

Having considered the same, reported the same with the following amendment, and recommended that the bill as amended ought to pass.

Amend section 1 of said bill by inserting immediately following paragraph XXXI, paragraph XXXII to read as follows:

XXXII. Ammonoosuc River and its tributaries, in the towns and places of Bethlehem, Carroll, Low and Burbank's Grant, Thompson and Meserve's Purchase, Crawford's Purchase, Nash and Sawyer's Location and New Hampshire State Federal Reserve, except those portions given in paragraphs XXX and XXXI, from their sources to the down stream side of Pierce Bridge in the town of Bethlehem, Class B-1. Any order for abatement of pollution in the streams mentioned in this paragraph shall be deemed to be complied with if the pollution is abated in a period of fifteen years from the date of order, anything to the contrary in paragraph II of section 7, chapter 166-A of the Revised Laws notwithstanding.

Further amend said bill by inserting after section 1 the following new sections:

2. *Duties of the Commission.* Amend paragraph VI of section 4, chapter 166-A of the Revised Laws as inserted by chapter 183 of the Laws of 1947 by adding at the end thereof the following new sentence, Those who have already incurred expense in order to comply with a classification adopted by the legislature or made under section 9 hereof, shall be equally eligible to receive any federal or other moneys with those who have not incurred but who are required to incur expense by reason of any such classification, so that said paragraph as amended shall read: VI. To investigate and approve the applications of those municipalities, industries or other persons of the state as may request state or federal aid that may at any time be made available in the interest of pollution control. To this end the commission shall be the state agency designated to receive or to make agreements on behalf of the state for any federal or other moneys as may be allotted for such purposes. Those who have already incurred expenses in order to comply with a classification adopted by the legislature or made

under section 9 hereof, shall be equally eligible to receive any federal or other moneys with those who have not incurred but who are required to incur expense by reason of any such classification.

3. *Procedure Under Pollution Act.* Amend paragraph I, section 7, chapter 166-A of the Revised Laws as inserted by chapter 183 of the Laws of 1947 by adding at the end thereof the following new sentence, In any instance when the commission shall set a time limit for abatement of pollution under paragraph II, there shall be no prosecutions under this paragraph until after such time limit shall have expired, so that said paragraph as amended shall read as follows: I. After adoption of a given classification for a stream, lake, pond, tidal water, or section thereof, the commission shall enforce such classification by appropriate action in the courts of the state, and it shall be unlawful for any person or persons, to dispose of any sewage, industrial, or other wastes either along or in conjunction with any other person or persons, in such a manner as will lower the quality of the waters of the stream, lake, pond, tidal water, or section thereof below the minimum requirements of the adopted classification. In any instance when the commission shall set a time limit for abatement of pollution under paragraph II, there shall be no prosecutions under this paragraph until after such time limit shall have expired.

4. *Extension of Time.* Amend paragraph II, section 7, of chapter 166-A of the Revised Laws as inserted by chapter 183 of the Laws of 1947 by striking out said paragraph and inserting in place thereof the following: II. If, after adoption of a classification of any stream, lake, pond, tidal water, or section thereof, including those classified by section 9, it is found that there is a source or sources of pollution, which lowers the quality of the waters in question below the minimum requirements of the classification so established, the person, or persons responsible for the discharging of such pollution shall be required to abate such pollution, within a time to be fixed by the commission. If such pollution be of municipal or industrial origin, the time limit set by the commission for such abatement shall be not less than two years nor more than five years. For good cause shown the commission may from time to time extend any time limit established under this

paragraph. Orders of the commission establishing or extending time limits or refusing to do so shall be subject to appeal as provided in section 12.

5. *Application to Court.* Amend chapter 166-A of the Revised Laws as inserted by chapter 183 of the Laws of 1947 by inserting after section 7 the following new section: 7-a. *Variances.* Within six months after adoption of a given classification by the legislature, any person chargeable with the responsibility of abating pollution as a result of such classification may apply to the superior court in and for the county in which such pollution is occurring by sworn petition praying for a variance in such classification as applied to his specific case. In such petition the state shall be named as defendant and service shall be made on the attorney general. After hearing the court may enter a decree authorizing such variance from the classification in the specific case before it as will not be contrary to the public interest, giving consideration to the public advantages that will accrue from such abatement, the financial hardship to the petitioner occasioned by such abatement, and such other conditions as may lead the court to believe that the literal enforcement of the classification will result in substantial injustice to the petitioner unless such variance is granted.

Further amend the bill by renumbering section 2 to read section 6.

The report was accepted.

The question being on the adoption of the amendment.

Senator Noel requested a recess of five minutes.

Recess

The Senate re-assembled.

The question being on the adoption of the amendment.

Senator Hartnett, for the Committee on Public Health, explained to the membership just what the amendment actually did to the bill.

On a *viva voce* vote the affirmative prevailed, the amendment was adopted, and the bill as amended was ordered to a third reading this afternoon at two o'clock.

Committee of Conference Report

The Committee of Conference, to whom was referred House Bill No. 57, An act relative to unemployment compensation reciprocal arrangements, having considered the same, reported the same with the following recommendation:

That the House recede from its position of non-concurrence and concur in the amendment sent down by the Senate.

JOHN W. DOLE,
MARYE W. CARON,
Conferees on part of Senate.

JESSE R. ROWELL,
JOHN G. THOMPSON,
GEORGE W. ANGUS,
Conferees on part of House.

On motion of Senator Dole the Senate voted to adopt the Committee of Conference report.

Senator Noel, for the Committee on Engrossed Bills, to whom was referred:

House Bill No. 136, An act relative to liens on logs, lumber or pulpwood for advances made.

Having considered the same, reported the same, under Joint Rule No. 6, with the following amendment and recommended that the bill as amended ought to pass.

Amend said bill by striking out the definition of "registered mark" and inserting in place thereof the following:

The term "registered mark" as used in the foregoing sentence of this section shall mean a mark described in a certificate of registration issued by the Secretary of State pursuant to the provisions of the following paragraph hereof, and recorded in the registry of deeds for the county in which such logs, lumber or pulpwood were situated when such registered mark was placed thereon, in the manner provided for herein.

Further amend said bill by striking out the paragraph numbered (c) of section 1 and inserting in place thereof the following:

(c) The fee for registering each such mark with the Secretary of State, which fee shall include the issuance of the certificate of registration thereof, shall be five dollars. The fee

for the issuance of each certified copy of such certificate, by the Secretary of State, shall be one dollar. The fee for recording a certified copy of any such certificate of registration in any registry of deeds shall be one dollar.

Further amend said bill by striking out section 2 thereof and inserting in place thereof the following:

2. *Exception.* Amend section 19 of chapter 264 of the Revised Laws by striking out said section and inserting in place thereof the following: 19. *Duration.* The lien created by sections 12 to 17 inclusive shall continue for ninety days after the services are performed, or the materials, supplies or other things are furnished, unless payment therefor is previously made, and shall take precedence of all prior claims except liens on account of taxes, provided that the limitations herein provided shall not apply to liens created by section 14-a.

On motion of Senator Otis the report was accepted, amendment adopted, and the bill as amended was sent to the House of Representatives for concurrence in Senate amendment.

Bills Engrossed

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled bills:

Senate Bill No. 65, An act legalizing certain proceedings for meetings in the town of Greenfield.

Senate Bill No. 66, An act legalizing certain meetings in the town of Francestown.

House Bill No. 298, An act relating to the New Hampshire Motor Carrier Act.

House Bill No. 369, An act relative to service exemption for war veterans.

House Bill No. 380, An act relative to competitive bidding for county purchases.

House Bill No. 388, An act authorizing the sale of certain property of the state in the town of Dorchester.

House Bill No. 417, An act relative to taxation of property.

House Bill No. 465, An act relating to conversion between state building and loan associations and federal savings and loan associations.

ALDEGE A. NOEL,
For the Committee.

On motion of Senator Spollett the following resolution was adopted:

Resolved, That the rules be so far suspended as to permit all business in order for this afternoon at two o'clock to be made in order at the present time.

Third Readings

The following entitled bills were read a third time and passed:

Senate Bill No. 91, An act relative to expenditures by the highway department.

Senate Bill No. 97, An act relative to deposit of city funds in banks.

House Bill No. 98, An act providing for the classification of certain surface waters.

House Bill No. 100, An act relating to a road use tax on certain out of state vehicles.

House Bill No. 464, An act relative to operators and commercial operators licenses.

House Bill No. 468, An act relating to the expiration of licenses to operate motor vehicles.

On motion of Senator Tarlson the following resolution was adopted:

Resolved, That when the Senate adjourns today it be to meet Tuesday morning at 11:00 o'clock.

On motion of Senator Butman the Senate adjourned.

TUESDAY, MAY 3, 1949

The Senate met according to adjournment.

House Message

The following message was received from the House of Representatives, by its Clerk:

Mr. President:

The House of Representatives has passed the following entitled bills, in the passage of which it asks the concurrence of the Honorable Senate:

House Bill No. 258, An act relative to maintenance of recreational roads.

House Bill No. 474, An act relative to state bridge aid.

House Bill No. 498, An act relating to forest fires.

House Bill No. 180, An act providing for the manufacture or sale of colored oleomargarine.

The message further stated that the House of Representatives had voted to concur with the Honorable Senate in the passage of the following entitled bills, sent down from the Honorable Senate:

Senate Bill No. 33, An act relative to the board of parole.

Senate Bill No. 48, An act relative to aid for handicapped children.

Senate Bill No. 58, An act relative to Concord Female Charitable Society.

Read and Referred

The following entitled bills, sent up from the House of Representatives, were read a first and second time and referred:

To the Joint Committee on Public Works and Finance:

House Bill No. 258, An act relative to maintenance of recreational roads.

House Bill No. 474, An act relative to state bridge aid.

To the Committee on Fisheries and Game, Forestry and Recreation:

House Bill No. 498, An act relating to forest fires.

To the Committee on Agriculture:

House Bill No. 180, An act providing for the manufacture or sale of colored oleomargarine.

Introduction of Bills

Senator Noel, under a suspension of the rules, sixteen senators actually having voted in favor thereof, introduced the following entitled bill, which was read a first and second time, laid upon the table to be printed, and referred:

To the Committee on Ways and Means:

Senate Bill No. 106, An act establishing the date of Fast Day.

Senator Daniell, under a suspension of the rules, sixteen senators actually having voted in favor thereof, introduced the following entitled bill, which was read a first and second time, laid upon the table to be printed, and referred:

To the Committee on Military and Veterans' Affairs:

Senate Bill No. 107, An act relative to fire emergencies of military origin.

Committee Reports

Senator Caron, for the Committee on Public Health, to whom was referred:

Senate Bill No. 86, An act establishing district departments of health.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted, and the bill was ordered to a third reading this afternoon at two o'clock.

Senator Spollett, for the Committee on Transportation, to whom were referred:

Senate Bill No. 72, An act relating to winter maintenance of highways.

House Bill No. 325, An act relating to operation of motor vehicles while under the influence of intoxicating liquor.

Having considered the same, reported the same without amendment, and recommended their passage.

The reports were accepted, and the bills were ordered to a third reading this afternoon at two o'clock.

Senator Bingham, for the Committee on Judiciary, to whom were referred:

Senate Bill No. 59, An act relating to probate accounts.

Senate Bill No. 85, An act providing for uniform accounting by executors, administrators, trustees and other fiduciaries.

Having considered the same, reported the same with the following resolution:

Resolved, That they are inexpedient to legislate.

The reports were accepted, and the recommendations of the committee were adopted.

Senator Bingham, for the Committee on Judiciary, to whom was referred:

Senate Bill No. 96, An act relative to allowances to widow from deceased husband's estate.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted, and the bill was ordered to a third reading this afternoon at two o'clock.

Senator Bingham, for the Committee on Judiciary, to whom was referred:

Senate Bill No. 75, An act providing for a people's counsel connected with the Public Service Commission.

Having considered the same, reported the same with the following amendment, and recommended that the bill as amended ought to pass:

Amend Senate Bill No. 75 by striking out section 1 thereof and inserting in place thereof the following:

1. *People's Counsel.* Amend chapter 24 of the Revised Laws by inserting after section 25 thereof, the following new sub-divisions:

People's Counsel

26. In addition to the Attorney General provided for by section 14 hereof, the Governor with the advice and consent of the Council shall appoint a second assistant Attorney General to be known as People's Counsel, who shall hold office for the term of five years and until his successor is appointed and qualified. The Governor and Council may remove such officer at any time, after hearing, for proper cause. The annual salary of People's Counsel shall be \$6,000.00 and he shall be paid his actual and reasonable expenses incurred in the performance of his duties.

27. *Qualifications.* No person shall be appointed as a People's Counsel unless he has been admitted to the practice of law in the courts of the state for a period of not less than five years prior to his appointment and no person shall be appointed as a People's Counsel who is or has been, during a period of five years prior to his appointment, directly or indirectly interested in any public utility under the jurisdiction of the Public Service Commission or who has during such

period been employed or retained by any such utility. The People's Counsel shall be appointed without regard for his political affiliations and he shall not participate directly or indirectly in any political activity.

28. *Duties.* He shall appear for and represent the people of the state in all matters pending before the Public Service Commission or before any court in all matters arising under title XXV of the Revised Laws the state or in his discretion any citizen or tax payer thereof who may request him to act as counsel. Except when the Attorney General may otherwise direct, he shall also act for the Attorney General in the performance of his duties pursuant to section 9 hereof.

29. *Other Duties and Powers.* He may investigate services rendered and rates charged by any public utility coming within the jurisdiction of the Public Service Commission and may bring a petition on behalf of the people of the state as to any matter involving the interests of users of products or services furnished by any public utility under the jurisdiction of such commission. He shall devote his entire time to the office except that when it will not interfere with the performance of his duties under the foregoing sections, he shall perform such service in connection with advising departments of the state government and in the prosecution of litigation affecting the interest of the state, as the Attorney General shall direct.

30. *Assistants.* The People's Counsel shall have authority with the approval of the Governor and Council to employ such clerical and technical assistants as may be necessary to carry out the provisions of this sub-division.

31. *Payment of Expenses.* Whenever any hearing shall be conducted by the People's Counsel in any proceeding before the Public Service Commission relating to the matters enumerated in sections 36 and 37 of chapter 287 in which the People's Counsel participates, the Public Service Commission shall charge the utility for the time and expenses of assistants of the People's Counsel employed under the provisions of section 30 spent in such proceeding, such expenses with six per cent interest to be charged by the utility to operating expenses and amortized over such period as the commission shall deem

proper and allowed for in the rates to be charged by the utility.

The report was accepted, amendment adopted, and the bill as amended was referred to the Committee on Finance, under the rules.

Senators Bingham and McMeekin spoke briefly in favor of the above entitled bill.

Senator Noel, for the Committee on Engrossed Bills, to whom was referred:

Senate Bill No. 14, An act relative to liability insurance for tractors.

Having considered the same, reported the same, under Joint Rule No. 6, with the following amendment and recommended that the bill as amended ought to pass.

Amend the title of said bill by striking out the same and inserting in place thereof the following:

An act defining the words "motor vehicle" under the motor vehicle liability insurance law.

On motion of Senator Noel the report was accepted, amendment adopted, and the bill as amended was sent to the House of Representatives for concurrence in Senate amendment.

Senator Noel, for the Committee on Engrossed Bills, to whom was referred:

House Bill No. 418, An act relative to protection of illegitimate children.

Having considered the same, reported the same, under Joint Rule No. 6, with the following amendment and recommended that the bill as amended ought to pass.

Amend section 1 of said bill by striking out the last sentence thereof and inserting in place thereof the following:

When, from information appearing upon a birth certificate, it is discernible that the record is that of an illegitimate child or a child born out of wedlock no copy of such record shall be transmitted to the city or town within which the parents reside nor shall a report of such a birth be published in any town or county report.

On motion of Senator Noel the report was accepted, amendment adopted, and the bill as amended was sent to the House of Representatives for concurrence in Senate amendment.

Senator Noel, for the Committee on Engrossed Bills, to whom was referred:

House Bill No. 367, An act to amend the charter of the city of Nashua relative to purchase by city departments.

Having considered the same, reported the same, under Joint Rule No. 6, with the following amendment, and recommended that the bill as amended ought to pass.

Amend the title of said bill by striking out the same and inserting in place thereof the following:

An act relative to purchases by city departments of the city of Nashua.

Amend section 1 of said bill by striking out the first three lines and inserting in place thereof the following:

1. *Purchasing Committee for the City of Nashua.* Amend section 51 of part 1 of chapter 427 of the Laws of 1913, being the charter of the city of Nashua, by striking out said section and inserting in place thereof the following:

On motion of Senator Noel the report was accepted, amendment adopted, and the bill as amended was sent to the House of Representatives for concurrence in Senate amendment.

Senator Noel, for the Committee on Engrossed Bills, to whom was referred:

House Bill No. 210, An act to provide for a presidential preference primary.

Having considered the same, reported the same, under Joint Rule No. 6, with the following amendment and recommended that the bill as amended ought to pass.

Amend section 1 of said bill by striking out the first two lines and inserting in place thereof the following:

1. *Presidential Preference Primary.* Amend the Revised Laws by inserting after chapter 38 the following new chapter:

Further amend said bill by renumbering section 9 to read section 2.

On motion of Senator Bingham the report was accepted, amendment adopted, and the bill as amended was sent to the House of Representatives for concurrence in Senate amendment.

Senator Noel, for the Committee on Engrossed Bills, to whom was referred:

House Joint Resolution No. 6, Joint resolution directing establishment of an Interim Commission to make a study of the laws of the United States and other states and to formulate and prepare a report for submission to the governor and council on or before January 1, 1951, for the protection of the democratic principles of government and ideals in this state and for the exposure and expurgation of subversive activities in the state of New Hampshire.

Having considered the same, reported the same, under Joint Rule No. 6, with the following amendment and recommended that the bill as amended ought to pass.

Amend the caption of the resolution by striking out the same and inserting in place thereof the following:

Joint resolution relative to the establishment of an Interim Commission to make a study and submit a report designed to protect the democratic principles of government in this state and to expose subversive activities in the state.

Amend the third paragraph of said resolution by striking out the word "it" in the third line.

Amend said resolution by striking out the twenty-second, twenty-third and twenty-fourth lines and inserting in place thereof the following: is vested in and exercised by the communist dictatorship of a foreign country; and

Whereas, There should be an Interim Commission.

Amend said resolution by striking out all after the twenty-ninth line and inserting in place thereof the following:

Resolved by the Senate and House of Representatives in General Court convened:

That the governor hereby is authorized and directed to appoint a commission to be known as the Interim Commission on Subversive Activities to be composed of nine members as follows: Three members of the Senate, to be designated by the President of the Senate, three members of the House of

Representatives, to be designated by the Speaker of the House, and three residents and citizens of the state, to be designated by the governor. One of said members shall be designated by the governor to serve as chairman of said commission. Said commission hereby is authorized and directed to make a study of the laws of the United States and other states and to do everything necessary and proper to formulate and prepare a program designed to protect the democratic principles and ideals of this state and to expose and expurgate subversive and other illegal activities in the state. Said commission shall make a report of its findings to the governor and council on or before January 1, 1951. All departments and agencies of the state are directed to assist the commission in carrying out its duties hereunder, as may be requested by the commission. The sum of three thousand five hundred dollars is hereby appropriated to pay the necessary secretarial and related incidental expenses which may be incurred by the commission which sum shall include a per diem allowance to the members of the commission when engaged on official duties. The governor is authorized to draw his warrant for the sum herein appropriated out of any money in the treasury not otherwise appropriated. The words "subversive activities" as used in this resolution shall mean advocacy of or persuasion of others to accept the doctrine of overthrow by force of the government of the United States or of this state.

On motion of Senator Otis the report was accepted, amendment adopted, and the bill as amended was sent to the House of Representatives for concurrence in Senate amendment.

Senator Noel, for the Committee on Engrossed Bills, to whom was referred:

House Bill No. 464, An act relative to operators and commercial operators licenses.

Having considered the same, reported the same under Joint Rule No. 6, with the following amendment, and recommended that the bill as amended ought to pass:

Amend section 4 of said bill by striking out the first four lines and inserting in place thereof the following:

4. *Operators.* Amend section 10 of chapter 117 of the Revised Laws by striking out said section and inserting in place thereof the following: 10. *Exception.*

Amend section 8 of said bill by inserting after the word "any" in the third line the word, other. Amend section 9 of said bill by striking out the word "chauffeur's" in the seventh line.

On motion of Senator Noel the report was accepted, amendment adopted, and the bill as amended was sent to the House of Representatives for concurrence in Senate amendment.

Bills Engrossed

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled bills:

House Joint Resolution No. 24, Joint resolution appropriating money for renovation of the ventilating system in the House of Representatives.

Senate Bill No. 24, An act relating to claims and liens against estates.

Senate Bill No. 33, An act relative to the Board of Parole.

Senate Bill No. 41, An act relative to the staff of the Governor as commander-in-chief.

Senate Bill No. 46, An act relating to the laying out of Class I and II highways.

Senate Bill No. 48, An act relative to aid for handicapped children.

Senate Bill No. 53, An act relative to limitation on amount of fraternal benefit society payments.

Senate Bill No. 58, An act relative to Concord Female Charitable Society.

Senate Bill No. 60, An act relating to the change of name of the Hampton Co-operative Building & Loan Association.

Senate Bill No. 73, An act in relation to the assessment of taxes.

House Bill No. 57, An act relative to unemployment compensation reciprocal arrangements.

House Bill No. 100, An act relating to a road use tax on certain out-of-state vehicles.

House Bill No. 150, An act relative to the salary of the solicitor of Sullivan County.

House Bill No. 274, An act concerning the recognition of a divorce obtained in another jurisdiction and to make uniform the law with reference thereto.

House Bill No. 279, An act relating to capital reserve funds for cities.

House Bill No. 311, An act relating to supervisory unions.

House Bill No. 319, An act relating to neglect of husband or father to support wife and children and neglect of mother.

House Bill No. 404, An act relating to New England Colleges.

House Bill No. 468, An act relating to the expiration of licenses to operate motor vehicles.

ALDEGE A. NOEL,
For the Committee.

On motion of Senator Spollett the following resolution was adopted:

Resolved, That the rules be so far suspended as to permit all business in order for this afternoon at two o'clock to be made in order at the present time.

Third Readings

The following entitled bills were read a third time and passed:

Senate Bill No. 72, An act relating to winter maintenance of highways.

Senate Bill No. 86, An act establishing district departments of health.

Senate Bill No. 96, An act relative to allowances to widow from deceased husband's estate.

House Bill No. 325, An act relating to operation of motor vehicles while under the influence of intoxicating liquor.

On motion of Senator Butman the Senate adjourned.

WEDNESDAY, MAY 4, 1949

The Senate met according to adjournment.

Introduction of Guests

President Bass introduced to the membership of the Senate, students from Milford High School. Each of the students represented a senatorial district as a model legislature.

President Bass also introduced as a guest of the Senate, United States Senator Tobey and requested the Sergeant-at-Arms to escort Senator Tobey to the rostrum, from which he presided over the Senate in 1925.

House Message

The following message was received from the House of Representatives, by its Clerk:

Mr. President:

The House of Representatives has passed the following entitled bills, in the passage of which it asks the concurrence of the Honorable Senate:

House Bill No. 428, An act relative to purchases by the purchasing agent.

House Bill No. 478, An act relative to construction and reconstruction of primary and secondary highways.

The message also stated that the House of Representatives had voted to concur with the Honorable Senate in the passage of the following entitled bills, sent down from the Honorable Senate:

Senate Bill No. 37, An act relative to pari mutuel pools at race meets at agricultural fairs.

Senate Bill No. 64, An act defining "wholesaler" and "sub-jobber" under the Tobacco Tax Act so-called.

The message further stated that the House of Representatives had voted to concur with the Honorable Senate in its adoption of the amendment offered by the Committee on Engrossed Bills to the following entitled bill:

House Bill No. 136, An act relative to liens on logs, lumber or pulpwood for advances made.

The message further stated that the House of Representatives had voted to concur with the Honorable Senate in amendment to the following entitled bill:

House Bill No. 98, An act providing for the classification of certain surface waters.

Read and Referred

The following entitled bills, sent up from the House of Representatives, were read a first and second time and referred:

To the Committee on Ways and Means:

House Bill No. 428, An act relative to purchases by the purchasing agent.

To the Committee on Finance:

House Bill No. 478, An act relative to construction and reconstruction of primary and secondary highways.

Introduction of Bills

Senator Spollett, under a suspension of the rules, sixteen senators actually having voted in favor thereof, introduced the following entitled bills, which were read a first and second time, laid upon the table to be printed and referred:

To the Committee on Fisheries and Game, Forestry and Recreation:

Senate Bill No. 108, An act relative to the operation of Bear Brook State Park.

To the Committee on Ways and Means:

Senate Bill No. 109, An act providing for regulations of open air motion picture theaters.

Senator Ainsworth, under a suspension of the rules, sixteen senators actually having voted in favor thereof, introduced the following entitled bill, which was read a first and second time, laid upon the table to be printed and referred:

To the Committee on Fisheries and Game, Forestry and Recreation:

Senate Bill No. 110, An act relative to employees of the Fish and Game Department.

Senator Reinhart, under a suspension of the rules, sixteen senators actually having voted in favor thereof, introduced

the following entitled bills, which were read a first and second time, laid upon the table to be printed and referred:

To the Committee on Judiciary:

Senate Bill No. 111, An act relating to the Superior Court.

Senate Bill No. 112, An act relating to damages under the death statute.

Committee Reports

Senator O'Malley, for the Committee on Finance, to whom were referred:

House Joint Resolution No. 7, Joint resolution relative to Phineas J. Poore estate.

House Joint Resolution No. 19, Joint resolution in favor of the estate of Frank H. Peaslee.

House Joint Resolution No. 29, Joint resolution in favor of the estate of William K. Davis.

House Joint Resolution No. 30, Joint resolution in favor of the estate of E. J. Winslow.

House Joint Resolution No. 32, Joint resolution in favor of the estate of Louis H. Douphinett.

Having considered the same, reported the same without amendment and recommended their passage.

The reports were accepted, and the joint resolutions were ordered to a third reading this afternoon at two o'clock.

Senator O'Malley, for the Committee on Finance, to whom was referred:

Senate Joint Resolution No. 17, Joint resolution in favor of the estate of Alice W. Poole.

Having considered the same, reported the same with the following amendment, and recommended that the joint resolution as amended ought to pass:

Amend the resolution by striking out all after the resolving clause and substituting in place thereof the following:

That the sum of \$186.07 be paid to Luigi Cilli of Jaffrey to reimburse him for certain legacy taxes which he erroneously paid to the state. The Governor is hereby authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

Amend the caption of the resolution by striking out the same and inserting in place thereof the following:

Joint resolution in favor of Luigi Cilli.

The report was accepted, amendment adopted, and the joint resolution as amended was ordered to a third reading this afternoon at two o'clock.

Senator Spollett, for the Committee on Agriculture, to whom was referred:

Concurrent resolution memorializing congress concerning New Hampshire rural rehabilitation corporation.

Having considered the same, reported the same without amendment, and recommended its adoption.

The report was accepted.

On a *viva voce* vote the concurrent resolution was adopted.

Senator Lalumiere, for the Committee on Public Welfare and State Institutions, to whom were referred:

Senate Bill No. 102, An act licensing child placing and child caring agencies.

Senate Bill No. 88, An act relating to the covering of wells.

Having considered the same, reported the same without amendment, and recommended their passage.

The reports were accepted, and the bills were ordered to a third reading this afternoon at two o'clock.

Senator Bingham, for the Committee on Labor, to whom were referred:

House Bill No. 67, An act relative to unemployment compensation.

House Bill No. 429, An act relative to unemployment compensation adjustments and refunds.

Having considered the same, reported the same without amendment, and recommended their passage.

The reports were accepted, and the bills were ordered to a third reading this afternoon at two o'clock.

Senator Wiggin, for the Committee on Fisheries and Game, Forestry and Recreation, to whom was referred:

Senate Bill No. 77, An act relative to legal length of brook trout.

Having considered the same, reported the same with the following amendment, and recommended that the bill as amended ought to pass:

Amend the bill by inserting after section 1 the following new section:

2. No person shall take more than ten brook trout from any one lake or pond or more than five pounds in any one day.

Further amend the bill by renumbering section 2 to read section 3.

Further amend by adding a new section following section 3 as follows:

4. *Fines.* Amend chapter 245, section 41 of the Revised Laws by adding at the end of said section the following: *Fines.* If a person who kills a brook trout shall throw away or attempt to dispose of said trout instead of keeping the same they shall be fined not less than \$20.00 and not more than \$50.00.

Further amend by renumbering section 3 to read section 5.

The report was accepted, amendment adopted, and the bill as amended was ordered to a third reading this afternoon at two o'clock.

Permission for use of the Senate Chamber was granted to Senator Spollett for the Committee on Agriculture to hold a public hearing on Wednesday, May 11, at 1:30 P. M.

On motion of Senator McMeekin the Senate voted to reconsider its vote whereby House Joint Resolution No. 7, Joint resolution relative to Phineas J. Poor Estate was ordered to a third reading.

On motion of Senator Noel the Senate voted to re-commit the above entitled joint resolution to the Committee on Finance.

Permission for use of the Senate Chamber was granted to Senator Hartnett for the Committee on Public Health to hold a public hearing on Tuesday, May 10 at 1:00 P. M.

On motion of Senator Spollett the following resolution was adopted:

Resolved, That the rules be so far suspended as to permit all business in order for this afternoon at two o'clock to be made in order at the present time.

Introduction of Guest

President Bass introduced to the Senate Councillor Mills, and former Senator from District No. 11.

Third Readings

The following entitled bills were read a third time and passed:

Senate Bill No. 77, An act relative to legal length of brook trout.

Senate Bill No. 88, An act relating to the covering of wells.

Senate Bill No. 102, An act licensing child placing and child caring agencies.

Senate Joint Resolution No. 17, Joint resolution in favor of Luigi Cilli.

House Bill No. 67, An act relative to unemployment compensation.

House Bill No. 429, An act relative to unemployment compensation adjustments and refunds.

House Joint Resolution No. 19, Joint resolution in favor of the estate of Frank H. Peaslee.

House Joint Resolution No. 29, Joint resolution in favor of William K. Davis.

House Joint Resolution No. 30, Joint resolution in favor of the estate of E. J. Winslow.

House Joint Resolution No. 32, Joint resolution in favor of the estate of Louis H. Douphinett.

On motion of Senator Butman the Senate adjourned.

THURSDAY, MAY 5, 1949

The Senate met according to adjournment.

House Message

The following message was received from the House of Representatives by its Clerk:

Mr. President:

The House of Representatives has passed the following entitled bills in the passage of which it asks the concurrence of the Honorable Senate:

House Bill No. 343, (in new draft), An act to provide for the registration of trade-marks, labels, brands, designs, devices, symbols, and forms of advertisements.

House Bill No. 105, An act relating to the taking of beaver.

House Bill No. 361, (in new draft and new title), An act relative to fees for special permits to move objects to vehicles and loads.

The message further stated that the House of Representatives refuses to concur with the Honorable Senate in the passage of the following entitled bill:

Senate Bill No. 7, An act relative to the practice of physiotherapy.

The message further stated that the House of Representatives has voted to concur with the Honorable Senate in the passage of the following entitled bills and joint resolution sent down from the Honorable Senate:

Senate Bill No. 69, An act extending the powers of the North Walpole Village Precinct.

Senate Bill No. 76, An act relative to the Village District of Walpole.

Senate Bill No. 79, An act relating to interest on delinquent taxes.

Senate Joint Resolution No. 11, Joint resolution concerning a bridge in the town of Warner.

Read and Referred

The following entitled bills, sent up from the House of Representatives, were read a first and second time, and referred:

To the Committee on Fisheries and Game, Forestry and Recreation:

House Bill No. 105, An act relating to the taking of beaver.

To the Committee on Judiciary:

House Bill No. 343, (in new draft), An act to provide for the registration of trade-marks, labels, brands, designs, devices, symbols, and forms of advertisements.

To the Committee on Transportation:

House Bill No. 361, (in new draft and new title), An act relative to fees for special permits to move objects to vehicles and loads.

Introduction of Bills

Senator Lalumiere, under a suspension of the rules, sixteen senators actually having voted in favor thereof, introduced the following entitled bills, which were read a first and second time, laid upon the table to be printed, and referred:

To the Committee on Fisheries and Game:

Senate Bill No. 113, An act relative to free fishing licenses for persons over seventy years of age.

Senate Bill No. 114, An act relating to fishing and hunting licenses.

Senator McMeekin, under a suspension of the rules, sixteen senators actually having voted in favor thereof, introduced the following entitled bill, which was read a first and second time, laid upon the table to be printed, and referred:

To the Committee on Ways and Means:

Senate Bill No. 115, An act relating to the reconstruction and financing of water works system of the Plymouth Village Fire District.

Senator Hartnett, under a suspension of the rules, sixteen senators actually having voted in favor thereof, introduced the following entitled bills, which were read a first and second time, laid upon the table to be printed, and referred:

To the Committee on Judiciary:

Senate Bill No. 116, An act relative to storage of crude petroleum.

Senate Bill No. 117, An act relating to notice by administrators to parties in pending actions.

Committee Reports

Senator Butman, for the Committee on Banks and Insurance, to whom was referred:

House Bill No. 206, An act relating to insurers not authorized to transact business in this state.

Having considered the same, reported the same with the following amendment and recommended that the bill as amended ought to pass.

Amend paragraph I of sub-section 3 of section 1 of the bill by adding after the word "action" in the seventh line of said paragraph the words: provided, however, that the court may in its discretion make an order dispensing with such deposit or bond where the insurer makes a showing satisfactory to such court that it maintains in a state of the United States funds or securities, in trust or otherwise, sufficient and available to satisfy any final judgment which may be entered in such action, suit or proceeding, so that said paragraph as amended shall read as follows:

I. Before any unauthorized foreign or alien insurer shall file or cause to be filed any pleading in any action, suit or proceeding instituted against it, such unauthorized insurer shall either (a) deposit with the clerk of the court in which such action, suit or proceeding is pending cash or securities or file with such clerk a bond with good and sufficient sureties, to be approved by the court, in an amount to be fixed by the court sufficient to secure the payment of any final judgment which may be rendered in such action, provided, however, that the court may in its discretion make an order dispensing with such deposit or bond where the insurer makes a showing satisfactory to such court that it maintains in a state of the United States funds or securities, in trust or otherwise, sufficient and available to satisfy any final judgment which may be entered in such action, suit or proceeding; or (b) procure a certificate of authority to transact the business of insurance in this state.

Further amend section 1 of the bill by adding after sub-section 4 of said section the following new sub-section: 5. The provisions of this act shall not apply to any action, suit or proceeding against any non-admitted foreign or alien insurer arising out of any contract of insurance

(a) affected in accordance with Section 25 of Chapter 325, Title XXVII of the Revised Laws of New Hampshire, or

(b) covering ocean marine, aircraft or railway insurance risks, or

(c) against legal liability arising out of the ownership, operation or maintenance of any property having a permanent situs outside this state, or

(d) against loss of or damage to any property having a permanent situs outside this state, where such contract of insurance contains a provision designating the Commissioner and his successor or successors in office to be the true and lawful attorney of such non-admitted insurer upon whom may be served all lawful process in any action, suit or proceeding instituted by or on behalf of an insured or beneficiary arising out of any such contract of insurance or where the insurer enters a general appearance in any such action, suit or proceeding.

Further amend said bill by renumbering sub-sections 5 and 6 of section 1 to be sub-sections 6 and 7.

The report was accepted, and the bill with the accompanying amendment was laid on the table to be printed in the Journal under the rules.

Senator Butman, for the Committee on Banks and Insurance, to whom was referred:

Senate Bill No. 98, An act relating to the loan and trust savings banks.

Having considered the same, reported the same without amendment and recommended its passage.

The report was accepted, and the bill was ordered to a third reading this afternoon at two o'clock.

A majority of the Committee on Banks and Insurance, to whom was referred:

House Bill No. 207, An act relating to investments of savings banks.

Having considered the same, reported the same with the following amendment, and recommended that the bill as amended ought to pass.

Amend section 3 by striking out all after the word "purchase" in line 16, to the words "provided, however," in line 23 so that said section as amended shall read as follows:

3. *Investment Trust Shares.* Amend section 12 of chapter 310 of the Revised Laws by adding immediately after paragraph XVII thereof, a new heading entitled "Investment Trust Shares" and by adding the following new paragraph thereafter:

Investment Trust Shares

"XVIII. *Investment Trust Shares.* The shares of any management type investment company or investment trust which is registered as an "open-end company" under the Federal Investment Company Act of 1940 as from time to time amended and which is also authorized for sale by the Insurance Commissioner of the State of New Hampshire, if said company or trust (a) shall have been in existence for at least ten years and (b) shall have net assets of not less than ten million dollars at the date of purchase and (c) shall have outstanding no bonds, debentures, notes or other evidences of indebtedness or any stock having priority over the shares being purchased either as to the distribution of assets or payment of dividends and (d) shall have paid annual dividends from investment income in each of the ten years next preceding said purchase; *provided, however*, that no more than five per cent of the deposits of any savings bank shall be invested in such shares and not more than one per cent of the deposits of any savings bank shall be invested in the shares of any one investment company or trust and further provided that the total amount of such shares which may be held by any savings bank as an investment and as collateral security for loans shall not exceed five per cent of the total assets of such investment company or investment trust.

GEORGE TARLSON,
HAROLD PIERCE,
ALDEGE NOEL,

For a Majority of the Committee.

A Minority of the Committee on Banks and Insurance, to whom was referred:

House Bill No. 207, An act relating to investments of savings banks.

Having considered the same, reported the same without amendment and recommended its passage.

LABAN AINSWORTH,

AUGUSTUS BUTMAN,

For a Minority of the Committee.

The report of the majority was accepted.

Senator Ainsworth moved that the report of the minority be substituted for that of the majority and that the bill be laid on the table and made a special order for Tuesday, May 10 at 11:01.

Senators Pierce and Noel spoke against the motion.

Senators Bingham, Daniell, Butman and McMeekin spoke in favor of the motion.

The question being stated, Shall the report of the minority be substituted for that of the majority and the bill laid upon the table to be made a special order for Tuesday, May 10 at 11:01?

On a *viva voce* vote, the affirmative prevailed, and the motion was carried.

Senator Noel, for the Committee on Ways and Means, to whom was referred:

Senate Bill No. 93, An act relating to the municipal budget law and the duties of officials thereunder.

Having considered the same, reported the same with the following amendment and recommended that the bill as amended ought to pass.

Amend section 1 of said bill by striking out the same and inserting in place thereof the following:

1. *Municipal Budget Law.* Amend section 2, chapter 52, Revised Laws by striking out said section and inserting in place thereof the following: 2. *Budget Committee.* The budget committee shall consist of three, six, nine or twelve members-at-large as the meeting adopting the provisions hereof shall by vote determine, and one member chosen by the

school board of each school district wholly within said town, and one member of the board of commissioners of each village district wholly within said town to be designated by said board, and one member of the board of selectmen to be designated by said board. The members-at-large may either be appointed by the moderator or elected by the town meeting as any annual meeting may by vote determine, under a proper article in the warrant for said meeting, provided, however, that no selectman, town manager, member of the school board or village district commissioner shall serve as a member-at-large. The majority of the members-at-large shall be property taxpayers and one of said members-at-large shall be elected by the budget committee as chairman. If said members-at-large are elected at the town meeting it shall be by majority vote by ballot or acclamation of those present and voting. Where said members-at-large are appointive such appointments shall be made within thirty days after the annual town meeting. One third of the members-at-large shall hold office for one year, one third for two years, and one third for three years and until their successors are elected or appointed and qualified. Vacancies in the membership at large shall be filled by appointment by the moderator and such appointment shall be made within five days from the creation of the vacancy. Such appointees shall hold office until the next annual town meeting. The members selected by the school board, the village district commissioners and the selectmen shall hold office for one year and until their successors are qualified.

Senator McMeekin explained the amendment to the Senate.

The report was accepted, amendment adopted, and the bill as amended was ordered to a third reading this afternoon at two o'clock.

Senator Noel, for the Committee on Ways and Means, to whom was referred:

Senate Bill No. 103, An act relative to adjustments to tax payers in the town school district of Bath.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted, and the bill was ordered to a third reading this afternoon at two o'clock.

Senator Lalumiere, for the Committee on Transportation, to whom was referred:

Senate Bill No. 101, An act pertaining to conduct of operator of motor vehicle after accident.

Having considered the same, reported the same with the following amendment, and recommended that the bill as amended ought to pass:

Amend the bill by adding after the word "thereof" in line 9 the following:

If the owner of the property damaged is not available at the place of the accident the information required hereunder shall be given to a policeman at the nearest police station.

Further amend the bill by striking out the word "twenty-five" in line 12 and substituting in place thereof the word "fifty," so that said section as amended shall read as follows:

Amend section 19 of Chapter 118 of the Revised Laws of 1942 by striking out said section and inserting in place thereof the following:

19. *Conduct After Accident.* The operator of a motor vehicle who has caused or is involved in an accident resulting in injury to any person or property, shall immediately stop and return to the scene of the accident, and render such assistance as may be reasonably necessary, and shall give to any proper person demanding the same, his name and address, the number of the driver's license, the registration number of the motor vehicle, and the name and address of each occupant thereof. If the owner of the property damaged is not available at the place of the accident the information required hereunder shall be given to a policeman at the nearest police station. Any person operating a motor vehicle which is in any manner involved in an accident in which any person is injured or killed, or resulting in damage to property in excess of fifty dollars, shall forthwith report in writing to the commissioner the facts required herewith together with a statement of the circumstances of the accident.

Further amend the bill by adding the following new section:

2. *Takes Effect.* This act shall take effect upon its passage.

The report was accepted, amendment adopted, and the bill as amended was ordered to a third reading this afternoon at two o'clock.

Senator Bingham, for the Committee on Judiciary, to whom was referred:

Senate Bill No. 92, An act to increase the borrowing power of the town of Pembroke.

House Bill No. 16, (in new draft and with new title), An act relating to yearly pensions for employees of the highway department and for certain appointed officials of the city of Manchester.

House Bill No. 135, An act pertaining to jail sentences.

House Bill No. 296, An act relating to contracts by married women.

House Bill No. 326, An act relating to compensation of election officials of the city of Manchester.

Having considered the same, reported the same without amendment and recommended their passage.

The reports were accepted, and the bills were ordered to a third reading this afternoon at two o'clock.

Senator Bingham, for the Committee on Judiciary, to whom were referred:

Senate Bill No. 39, An act relative to the school district in the town of Atkinson.

House Bill No. 420, An act relating to the redistricting of senatorial districts.

Having considered the same, reported the same with the following resolutions:

Resolved, That they are inexpedient to legislate.

The reports were accepted, and the recommendations of the committee were adopted.

A majority of the Committee on Judiciary, to whom was referred:

House Bill No. 303, An act relative to divorce decrees.

Having considered the same, reported the same without amendment and recommended its passage.

CHARLES F. HARTNETT,
EUGENE DANIELL, JR.,
ROBERT BINGHAM,
THOMAS B. O'MALLEY,
For a Majority of the Committee.

A minority of the Committee on Judiciary, to whom was referred:

House Bill No. 303, An act relative to divorce decrees.

Having considered the same, reported the same with the following resolution:

Resolved, That it is inexpedient to legislate.

ARTHUR REINHART,
GEORGE TARLSON,
SARAH OTIS,
For a Minority of the Committee.

The report of the majority was accepted.

Senator Reinhart moved that the report of the majority be substituted for that of the minority.

The question being stated, Shall the report of the minority be substituted for that of the majority?

Senator Reinhart spoke in favor of the motion.

Senators Daniell and Hartnett spoke in opposition to the motion.

On a *viva voce* vote, the Chair was in doubt.

The President requested a division.

Twelve senators having voted in the affirmative and eleven senators having voted in the negative, the affirmative prevailed.

Senator Noel demanded a roll call.

The Clerk proceeded to call the roll.

Roll Call

The following named senators voted in the affirmative: Senators McMeekin, Nickerson, Tarlson, Ainsworth, Brunel, Pierce, E. Cummings, Otis, Burbank, Butman, Spollett and Reinhart.

The following named senators voted in the negative: Senators Hayes, C. Cummings, Dole, Daniell, Noel, Wiggin, Bingham, Caron, O'Malley, Lalumiere and Hartnett.

Twelve senators having voted in the affirmative, and eleven senators having voted in the negative, the affirmative prevailed and the report of the minority was substituted for that of the majority.

The question being stated, Shall the resolution of the minority of the committee, inexpedient to legislate, be adopted?

On a *viva voce* vote, the Chair was in doubt.

The President requested a division.

Twelve senators having voted in the affirmative, and eleven senators having voted in the negative, the affirmative prevailed and the report, inexpedient to legislate, was adopted.

Senator Reinhart moved that the Senate reconsider its vote whereby the report of the minority of the committee, inexpedient to legislate, was adopted.

The question being stated, Shall the Senate reconsider its vote?

Senators McMeekin and Reinhart spoke in favor of the motion.

Senators Bingham, Caron, Noel, O'Malley and Daniell spoke in opposition to the motion.

On a *viva voce* vote, the Chair was in doubt.

President Bass requested a division.

Eleven senators having voted in the affirmative and twelve senators having voted in the negative, the motion to reconsider was lost.

Permission for use of the Senate Chamber was granted to Senator McMeekin for the Committee on Ways and Means to hold public hearings on Thursday, May 12, one-half hour after adjournment, and Wednesday, May 18, at 1:00 o'clock.

On motion of Senator Spollett the following resolution was adopted:

Resolved, That the rules be so far suspended as to permit all business in order for this afternoon at two o'clock to be made in order at the present time.

Third Readings.

The following entitled bills were read a third time and passed:

Senate Bill No. 92, An act to increase the borrowing power of the town of Pembroke.

Senate Bill No. 93, An act relating to the municipal budget law and the duties of officials thereunder.

Senate Bill No. 98, An act relating to the loan and trust savings banks.

Senate Bill No. 101, An act pertaining to conduct of operator of motor vehicle after accident.

Senate Bill No. 103, An act relative to adjustments to taxpayers in the town school district of Bath.

House Bill No. 16, (in new draft and new title): An act relating to yearly pensions for employees of the highway department and for certain appointed officials of the city of Manchester.

House Bill No. 135, An act pertaining to jail sentences.

House Bill No. 297, An act relating to contracts by married women.

House Bill No. 326, An act relating to compensation of election officials of the city of Manchester.

On motion of Senator Tarlson the following resolution was adopted:

Resolved, That when the Senate adjourns today it be to meet Tuesday morning at 11:00 o'clock.

On motion of Senator Butman the Senate adjourned.

TUESDAY, MAY 10, 1949

The Senate met according to adjournment.

Leave of Absence

Senator Hartnett was granted a leave of absence on account of important business.

House Message

The following message was received from the House of Representatives by its Clerk:

Mr. President:

The House of Representatives has passed the following entitled bills, in the passage of which it asks the concurrence of the Honorable Senate:

House Bill No. 286, An act relating to the Atlantic States Marine Fisheries Commission.

House Bill No. 481, An act relative to merit ratings under the unemployment compensation system.

House Bill No. 503, An act legalizing the school district meeting held March 8, 1949 in Harrisville.

House Bill No. 504, An act relative to aliens.

House Bill No. 510, An act relative to exemptions from jury service for members of the general court and delegates to a Constitutional Convention.

The message further stated that the House of Representatives had voted to concur with the Honorable Senate in the passage of the following entitled bill sent down from the Honorable Senate:

Senate Bill No. 56, An act relative to the validation of certain instruments of conveyance.

The message further stated that the House of Representatives had voted to concur with the Honorable Senate in its adoption of the amendments offered by the Committee on Engrossed Bills to the following entitled bills:

Senate Bill No. 14, An act relative to liability insurance for tractors.

House Bill No. 464, An act relative to operators and commercial operators licenses.

House Bill No. 210, An act to provide for a presidential preference primary.

House Bill No. 367, An act to amend the charter of the city of Nashua relative to purchases by city departments.

Read and Referred

The following entitled bills, sent up from the House of Representatives, were read a first and second time, and referred:

To the Committee on Fisheries and Game, Forestry and Recreation:

House Bill No. 286, An act relating to the Atlantic States Marine Fisheries Commission.

To the Committee on Labor:

House Bill No. 481, An act relative to merit ratings under the unemployment compensation system.

To the Committee on Ways and Means:

House Bill No. 503, An act legalizing the school district meeting held March 8, 1949 in Harrisville.

House Bill No. 504, An act relative to aliens.

House Bill No. 510, An act relative to exemptions from jury service for members of the general court and delegates to a constitutional convention.

Introduction of Bills

The Committee on Rules introduced the following entitled bills, which were read a first and second time, laid on the table to be printed, and referred:

Senate Bill No. 118, An act defining highway building equipment under the motor vehicle laws.

To the Committee on Judiciary:

Senate Bill No. 119, An act relative to information required in inventories of estates.

Senate Bill No. 120, An act relating to reports by registers of deeds.

To the Committee on Ways and Means:

Senate Bill No. 121, An act relating to assistant pharmacists.

To the Committee on Military and Veterans' Affairs:

Senate Bill No. 122, An act relating to unemployment compensation provisions for National Guard Personnel.

Committee Reports

Senator Caron, for the Committee on Liquor Laws, to whom was referred:

Senate Bill No. 67, An act relating to manufacturer's permits.

Having considered the same, reported the same without amendment and recommended its passage.

The report was accepted, and the bill was ordered to a third reading this afternoon at two o'clock.

Senator Lalumiere, for the Committee on Public Welfare and State Institutions, to whom was referred:

House Bill No. 264, An act relating to appointment of probation officers in large towns and cities.

Having considered the same, reported the same without amendment and recommended its passage.

The report was accepted, and the bill was ordered to a third reading this afternoon at two o'clock.

Senate Burbank, for the Committee on Education, to whom were referred:

Senate Bill No. 104, An act ratifying certain action taken by the school district of Pelham.

Senate Bill No. 99, An act relative to insertion of articles in the warrant for school district meeting.

Taken from the Table

House Bill No. 206, An act relating to insurers not authorized to transact business in this state, was taken from the table.

Question being on the adoption of the amendment offered by the Committee on Banks and Insurance, printed in the Journal of Thursday, May 5, 1949.

On a *viva voce* vote the negative apparently prevailed.

Senator Noel requested a division.

On a division vote the affirmative unanimously prevailed, and the amendment was adopted, and the bill was ordered to a third reading this afternoon at two o'clock.

Committee of Conference Report

The Committee of Conference, to whom was referred House Bill No. 36, having considered the same, recommended that the House recede from its position of non-concurrence in the Senate amendments and that the Senate recede from its position in the adoption of the amendments and that the House and Senate adopt the following amendments:

Amend Revised Laws, Chapter 280, as amended by this act, by striking out the first paragraph of section 1 of chapter 280, as amended, and substitute in place thereof the following:

1. *Fee; Appointment of Agent.* Every foreign corporation (except foreign insurance companies, to whom this chapter shall not apply, and except holders of certificates of approval issued under the provisions of Sections 78 and 79 of Chapter 170 of Revised Laws, and corporations otherwise specifically required to register with and consent to service of process upon a state official) desiring to do business in this state, shall pay a registration fee of twenty-five dollars and shall pay an annual maintenance fee of twenty-five dollars payable to the secretary of state on the first business day of January following the date of registration and on the first business day of each January thereafter, and continuously maintain in this state

Further amend by adding thereto the new sub-section (c) as follows:

(c) The Secretary of State shall in December each year, notify all corporations registered hereunder of the fees to become due hereunder on the first business day of the January following; and shall in April notify all corporations who may have failed to pay the fees required hereunder; so that said section as amended shall read as follows:

1. *Fee: Appointment of Agent.* Every foreign corporation (except foreign insurance companies, to whom this chapter shall not apply, and except holders of certificates of approval issued under the provisions of Sections 78 and 79 of Chapter 170 of Revised Laws and corporations otherwise specifically required to register with and consent to service of process upon a state official) desiring to do business in this state, shall pay a registration fee of twenty-five dollars and shall pay an annual maintenance fee of twenty-five dollars payable to the secretary of state on the first business day of January following the date of registration and on the first business day of each January thereafter, and continuously maintain in this state

(a) A registered office which may or may not be the same as its place of business in this state; and

(b) a registered agent, which agent may be the secretary of state and his successor or successors in office or an individual resident in or a corporation authorized to do business

and act as such agent in this state, whose office is identical with such registered office.

(c) The secretary of state shall in December each year, notify all corporations registered hereunder of the fees to become due hereunder on the first business day of the January following; and shall in April notify all corporations who may have failed to pay the fees required hereunder;

Further amend sub-section (c) of section 2 by inserting in line 5 thereof, after the word "effect" the following: On compliance with the provisions of this section, the secretary of state shall forthwith issue a certificate of authority to do business in this state; so that said sub-section as amended shall read as follows:

(c) a true copy of the vote authorizing the application and registration of an office and agent in this state, certified under the seal of the corporation by its clerk or secretary or assistant clerk or assistant secretary, which certificate shall show that said vote has not been revoked and is in full force and effect. On compliance with the provisions of this section, the secretary of state shall forthwith issue a certificate of authority to do business in this state. Copies of applications and all certified copies of votes so filed, certified by the secretary of state, shall be sufficient evidence thereof.

Further amend sub-section (d) of section 6 by striking out the words "in this" in line 3 thereof and substituting therefor the words, "within or without the"; so that said sub-section as amended shall read as follows:

(d) that it revokes the authority to make service of process on its then registered agent and consents that service of process in any suit, action or proceeding based upon any cause or action arising within or without the state prior to the effective date of the withdrawal may thereafter be made on such corporation by service thereof on the secretary of state; and shall be accompanied by

ARTHUR J. REINHART
EUGENE S. DANIEL, JR.

Senate Conferees.

GARDNER C. TURNER
BURRITT H. HINMAN
C. MURRAY SAWYER

House of Representatives Conferees.

The report was accepted, and was laid upon the table to be printed in the Journal and acted upon Wednesday, May 11.

Special Order

Senator Ainsworth called for the special order, it being House Bill No. 207, An act relating to investments of savings banks.

The question being stated, Shall the report of the minority ought to pass be substituted for the report of the majority ought to pass with amendment?

On motion of Senator Noel the above entitled bill with the accompanying reports was made a special order for Thursday, May 12, at 11:01.

Introduction of Guests

President Bass welcomed as guests of the Senate, the students of Portsmouth Junior High School.

Committee Reports

Senator Noel, for the Committee on Engrossed Bills, to whom was referred:

House Bill No. 459, An act relative to workmen's compensation (providing for an increase in the amount of weekly compensation).

Having considered the same, reported the same under joint rule No. 6 with the following amendment, and recommended that the bill as amended ought to pass.

Amend the title of said bill by striking out the same and inserting in place thereof the following:

An act providing for an increase in the amount of weekly compensation under the workmen's compensation law.

Amend section 1 of said bill by striking out the first three lines and inserting in place thereof the following:

1. *Workmen's Compensation.* Amend section 20 of chapter 216 of the Revised Laws as inserted by chapter 266 of the Laws of 1947 and as amended by chapter 152 of the Laws of 1949 by striking out the word "twenty-five" in the seventh line and inserting in place thereof the word, thirty.

Further amend said bill by renumbering section 5 to read section 4.

On motion of Senator Noel the report was accepted, amendment adopted, and the bill as amended was sent to the House of Representatives for concurrence in Senate amendment.

Senator Noel, for the Committee on Engrossed Bills, to whom was referred:

House Bill No. 135, An act pertaining to jail sentences.

Having considered the same, reported the same under joint rule No. 6 with the following amendment, and recommended that the bill as amended ought to pass.

Amend section 1 of said bill by striking out the first six lines and inserting in place thereof the following:

1. *Jail Sentences.* Amend section 13 of chapter 429 of the Revised Laws by striking out said section and inserting in place thereof the following: 13. *Place; Reduction in Sentence.* Persons liable to commitment to jail for any offense may be committed to the jail or to any house of correction in the discretion of the court. The keeper of said jail or superintendent of said house of correction may

On motion of Senator Bingham the report was accepted, amendment adopted, and the bill as amended was sent to the House of Representatives for concurrence in Senate amendment.

Senator Noel, for the Committee on Engrossed Bills, to whom was referred:

House Bill No. 326, An act relating to compensation of election officials of the city of Manchester.

Having considered the same, reported the same under joint rule No. 6 with the following amendment and recommended that the bill as amended ought to pass.

Amend section 1 of said bill by striking out the first three lines and inserting in place thereof the following:

1. *Compensation of Manchester Election Officials.* Each ballot inspector

On motion of Senator Otis, the report was accepted, amendment adopted, and the bill as amended was sent to the House of Representatives for concurrence in Senate amendment.

Senator Noel, for the Committee on Engrossed Bills, to whom was referred:

House Bill No. 366, An act relative to motorized bicycles or scooters.

Having considered the same, reported the same under joint rule No. 6 with the following amendment, and recommended that the bill as amended ought to pass.

Amend section 1 of said bill by striking out the same and inserting in place thereof the following:

1. *Definition.* Amend paragraph XIII of section 1, chapter 115 of the Revised Laws by striking out said paragraph and inserting in place thereof the following: XIII. "Motor cycle" shall include motor vehicles having but two wheels in contact with the ground and with pedals and saddle on which the driver sits astride, and also motorized bicycles and motor scooters having but two or three wheels in contact with the ground.

Amend section 2 of said bill by striking out the same and inserting in place thereof the following:

2. *Motor Cycle Operation.* Amend chapter 119 of the Revised Laws by adding after section 25 the following new section: 25-a. *Motor Cycle.* No person operating a motor cycle shall permit any other person to ride on said motor cycle unless it is suitably equipped and designed to safely transport another person.

On motion of Senator Noel, the report was accepted, amendment adopted, and the bill as amended was sent to the House of Representatives for concurrence in Senate amendment.

Bills Engrossed

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled bills and resolutions:

House Joint Resolution No. 6, Joint resolution relative to the establishment of an interim commission to make a study and submit a report designed to protect the democratic principles of government in this State and to expose subversive activities in the State.

House Joint Resolution No. 19, Joint resolution in favor of the estate of Frank H. Peaslee.

House Joint Resolution No. 29, Joint resolution in favor of the estate of William E. Davis.

House Joint Resolution No. 30, Joint resolution in favor of the estate of N. James Winslow.

House Joint Resolution No. 32, Joint resolution in favor of the estate of Louis H. Douphinett.

Senate Bill No. 14, An act defining the words "motor vehicle" under the motor vehicle liability insurance law.

Senate Bill No. 56, An act relative to the validation of certain instruments of conveyance.

Senate Bill No. 64, An act defining "wholesaler" and "sub-jobber" under the Tobacco Tax Act so-called.

Senate Bill No. 69, An act extending the powers of the North Walpole village precinct.

Senate Bill No. 76, An act relative to the village district of Walpole.

Senate Bill No. 79, An act relating to interest on delinquent taxes.

House Bill No. 16, An act relating to yearly pensions for employees of the highway department and for certain appointed officials of the city of Manchester.

House Bill No. 67, An act relative to unemployment compensation.

House Bill No. 136, An act relative to liens on logs, lumber or pulpwood for advances made.

House Bill No. 210, An act to provide for a Presidential Preference Primary.

House Bill No. 297, An act relating to contracts by married women.

House Bill No. 367, An act relative to purchases by city departments of the city of Nashua.

House Bill No. 418, An act relative to protection of illegitimate children.

House Bill No. 464, An act relative to operators' and commercial operators' licenses.

ALDEGE A. NOEL,
For the Committee.

On motion of Senator Spollett the following resolution was adopted:

Resolved, That the rules be so far suspended as to permit all business in order for this afternoon at two o'clock to be made in order at the present time.

Third Readings

The following entitled bills were read a third time and passed:

Senate Bill No. 67, An act relating to manufacturer's permits.

Senate Bill No. 99, An act relative to insertion of articles in the warrant for school district meeting.

Senate Bill No. 104, An act ratifying certain action taken by the school district of Pelham.

House Bill No. 206, An act relating to insurers not authorized to transact business in this state.

House Bill No. 264, An act relating to appointment of probation officers in large towns and cities.

On motion of Senator Butman the Senate adjourned.

WEDNESDAY, MAY 11, 1949

The Senate met according to adjournment.

House Message

The following message was received from the House of Representatives by its Clerk:

Mr. President:

The House of Representatives has passed the following entitled bills and joint resolution, in the passage of which it asks the concurrence of the Honorable Senate:

House Bill No. 456, An act relating to hearings and awards by the labor commissioner or superior courts under the workmen's compensation law.

House Bill No. 488, An act to revise the charter of the city of Claremont.

House Bill No. 506, An act relating to turning movements by motor vehicles on public highways.

House Bill No. 507, An act relative to motor vehicles traveling in line.

House Bill No. 508, An act defining the rights of pedestrians at cross walks.

House Bill No. 511, An act relative to itinerant retailers of tobacco products.

House Joint Resolution No. 3, Joint resolution extending the authority of the committee to investigate tax exemption laws.

The message further stated that the House of Representatives had voted to concur with the Honorable Senate in its adoption of the amendment offered by the Committee on Engrossed Bills to the following entitled bill:

House Bill No. 98, An act providing for the classification of certain surface waters.

The message further stated that the House of Representatives had voted to concur with the Honorable Senate in the passage of the following entitled bill, sent down from the Honorable Senate:

Senate Bill No. 83, An act relative to transfer tax on certain buildings in the town of Hampton.

Read and Referred

The following entitled bills and joint resolution, sent up from the House of Representatives, were read a first and second time and referred:

To the Committee on Labor:

House Bill No. 456, An act relating to hearings and awards by the labor commissioner or superior courts under the workmen's compensation law.

To the Committee on Agriculture:

House Bill No. 488, An act to revise the charter of the city of Claremont.

To the Committee on Transportation:

House Bill No. 506, An act relating to turning movements by motor vehicles on public highways.

House Bill No. 507, An act relative to motor vehicles traveling in line.

House Bill No. 508, An act defining the rights of pedestrians at cross walks.

To the Committee on Ways and Means:

House Bill No. 511, An act relative to itinerant retailers of tobacco products.

House Joint Resolution No. 3, Joint resolution extending the authority of the committee to investigate tax exemption laws.

Introduction of Bills

The Committee on Rules introduced the following entitled bills, which were read a first and second time, laid upon the table to be printed and referred:

To the Committee on Ways and Means:

Senate Bill No. 123, An act relative to the issuance of bonds or notes of Hampton Beach Village District.

Senate Bill No. 124, An act relative to lease receipts on land taken for flood control.

Senator Pierce moved that the rules be suspended, printing and reference to committee be dispensed with, and Senate Bill No. 124 be read a third time and passed at the present time.

(Discussion ensued)

On a *viva voce* vote the Chair was in doubt, and requested a division.

Eleven senators having voted in the affirmative, and nine senators having voted in the negative, two-thirds being necessary to suspend the rules, the motion was lost, and the bill was referred to the Committee on Ways and Means.

To the Committee on Judiciary:

Senate Bill No. 125, An act relating to fire resistant hallways and stairways.

Committee Reports

Senator Burbank, for the Committee on Education, to whom was referred:

Senate Bill No. 71, An act relative to intimidation of members of the general court.

Having considered the same, reported the same with the following amendment and recommended that the bill as amended ought to pass.

The report was accepted and the bill, with the accompanying amendment, was laid upon the table to be printed in the Journal, under the rules.

Amend said bill by striking out all after the enacting clause, and inserting in place thereof the following:

1. *Amendment.* Chapter 457, Section 25 of the Revised Laws. Amend Section 25 of Chapter 457 of the Revised Laws by striking out the title and inserting in place thereof, "Bribery and Intimidation" and further amend by inserting after the word "value" in the fourth line, the words or shall threaten, or attempt to intimidate any such official or official-elect, and further amend by inserting after the word "such" in the sixth line, the words threat, attempt to intimidate, so that said section as amended shall read as follows:

25. *Bribery and Intimidation.* If any person shall give, offer, or promise to any executive or judicial officer, or to any member of the general court, either before or after such member is qualified or takes his seat, any money, services, or other thing of value, or shall threaten, or attempt to intimidate any such official or official-elect, with intent to influence his action, vote or judgment as to any matter pending before such executive or judicial officer, or the General Court of which the person to whom such threat, attempt to intimidate, gift, offer, or promise is made is or is to be a member, or as to any matter that may come before such executive or judicial officer or general court, he shall be imprisoned not more than five years, or fined not more than three thousand dollars.

2. *Amendment.* Chapter 9 of the Revised Laws.

Amend Chapter 9 of the Revised Laws by adding at the end thereof the following new sections:

33. *Contacting Employer.* No person shall contact the

employer, supervisor, or overseer of a member of the General Court in an attempt to have such individual or company contact said member on legislation pending before the General Court.

34. *Identification.* Every paid lobbyist or legislative counsel under Section 27, while acting in said capacity on days during which the General Court is in session, and when such individual is in the State House or any building in which a legislative hearing is being held, shall wear, in such manner as to be easily seen, suitable identification, to be furnished by the Secretary of State, clearly indicating the name of said individual and the name or names of any person, company, or corporation by whom he is employed.

35. *Fees.* Every lobbyist or legislative counsel under Section 2 shall pay a biennial fee of twenty-five dollars (\$25.00) either at the time of registering as required under Section 27, or at such time as he shall receive his identification from the Secretary of State.

36. *Violations.* Any violation of Sections 33, 34, and 35 of this chapter shall be punishable by a fine of up to \$500.00 and imprisonment of not more than six (6) months.

3. *Takes Effect.* This act shall take effect upon its passage.

Senator O'Malley, for the Committee on Finance, to whom were referred:

Senate Bill No. 75, An act providing for a people's counsel connected with the Public Service Commission.

House Bill No. 478, An act relative to construction and reconstruction of primary and secondary highways.

Having considered the same, reported the same without amendments and recommended their passage.

The reports were accepted, and the bills ordered to a third reading this afternoon at two o'clock.

Taken from Table

Committee on Conference Report

Relating to House Bill No. 36, An act relating to registration of foreign corporations, which was printed in the Journal on Tuesday, May 10th, was taken from the table.

The question being stated:

Shall the report of the Committee of Conference be adopted?

On a *viva voce* vote the affirmative prevailed, and the report was adopted.

Bills Engrossed

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled bill:

Senate Bill No. 37, An act relative to pari mutuel pools at race meets at agricultural fairs.

ALDEGE A. NOEL,
For the Committee.

Senator Spollett, for the Committee on Agriculture, requested the use of the Senate Chamber for a public hearing to be held on Tuesday, May 17th, at 1:30. Permission was granted by the Senate.

On motion of Senator Spollett the following resolution was adopted:

Resolved, That the rules be so far suspended as to permit all business in order for this afternoon at two o'clock to be made in order at the present time.

Third Readings

The following entitled bills were read a third time and passed:

Senate Bill No. 75, An act providing for a people's counsel connected with the public service commission.

House Bill No. 478, An act relative to construction and reconstruction of primary and secondary highways.

On motion of Senator Butman the Senate adjourned.

THURSDAY, MAY 12, 1949

The Senate met according to adjournment.

Leave of Absence

Senator E. Cummings was granted a leave of absence on account of important business.

House Message

The following message was received from the House of Representatives by its Clerk:

Mr. President:

The House of Representatives has passed the following entitled bill and joint resolution, in the passage of which it asks the concurrence of the Honorable Senate:

House Bill No. 494, An act relative to non-resident students at the University of New Hampshire.

House Joint Resolution No. 33, Joint resolution in favor of the estate of Ross L. Piper.

The message further stated that the House of Representatives has voted to concur with the Honorable Senate in the passage of the following entitled bills sent down from the Honorable Senate:

Senate Bill No. 61, An act legalizing school district meeting in the town of Newfields held March 5, 1949.

Senate Bill No. 82, An act relative to Milton fire district.

Senate Bill No. 87, An act validating certain proceedings of the town of Bristol.

Senate Bill No. 97, An act relative to deposits of city funds in banks.

The message further stated that the House of Representatives has voted to adopt the report of Committee of Conference on the following entitled bill:

House Bill No. 36, An act relating to registration of foreign corporations.

Read and Referred

The following entitled bill and joint resolution, sent up from the House of Representatives, were read a first and second time, and referred:

To the Committee on Education:

House Bill No. 494, An act relative to non-resident students at the University of New Hampshire.

To the Committee on Finance:

House Joint Resolution No. 33, Joint resolution in favor of the estate of Ross L. Piper.

Introduction of Bill

The Committee on Rules introduced the following entitled bill, which was read a first and second time, laid on the table to be printed, and referred to the Committee on Agriculture:

Senate Bill No. 126, An act relative to grading, packing, shipping and sale of apples.

Special Order

Senator Noel called for the special order, it being, House Bill No. 207, An act relating to investments of savings banks.

The question being stated, Shall the report of the minority, ought to pass, be substituted for that of the majority, ought to pass with amendment?

(Discussion ensued)

Senators Ainsworth, Otis, Dole, Daniell and McMeekin spoke in favor of the motion.

Senators Tarlson, Pierce and Noel spoke in opposition to the motion.

Senator Bingham spoke in opposition to the bill and the amendment.

Senator Reinhart moved the previous question.

On a *viva voce* vote, the Chair was in doubt.

Senator Noel requested a recess.

Recess

The Senate re-assembled.

Senator Reinhart withdrew his motion.

Senators Burbank and Hartnett spoke in opposition to the motion.

Senator Daniell moved that the bill with the accompanying reports be indefinitely postponed.

(Discussion ensued)

Senators Hartnett and Burbank spoke in opposition, and on the question of indefinite postponement, Senator Burbank demanded a roll call.

The Clerk proceeded to call the roll.

Roll Call

The following named senators voted in the affirmative:

Senators Nickerson, Daniell, Bingham, Lalumiere, Burbank.

The following named senators voted in the negative: Senators Hayes, C. Cummings, McMeekin, Dole, Tarlson, Ainsworth, Brunel, Pierce, Noel, Wiggin, Otis, Caron, O'Malley, Hartnett, Butman, Spollett and Reinhart.

Five senators having voted in the affirmative, and seventeen senators having voted in the negative, the negative prevailed, and the motion to indefinitely postpone was lost.

The question being stated, Shall the report of the minority, ought to pass, be substituted for that of the majority, ought to pass with amendment?

On a *viva voce* vote the Chair was in doubt.

President Bass called for a division.

Seventeen senators having voted in the affirmative, and five senators having voted in the negative, the affirmative prevailed, and the minority report, ought to pass, was substituted for that of the majority, ought to pass with amendment.

Senator Noel moved that House Bill No. 207, An act relating to investments of savings banks, be laid upon the table.

On a *viva voce* vote the negative apparently prevailed.

Senator Noel requested a division.

Eight senators having voted in the affirmative, and fourteen senators having voted in the negative, the negative prevailed and the motion to lay on the table was lost, and the bill was ordered to a third reading this afternoon at two o'clock.

Committee Reports

Senator Lalumiere, for the Committee on Public Welfare and State Institutions, to whom was referred:

Senate Bill No. 94, An act relating to beano.

Having considered the same, reported the same with the following amendment and recommended that the bill as amended ought to pass.

Amend paragraph II of section 1 of chapter 171-A as inserted by section 1 of said bill by striking out the same and inserting in place thereof the following:

II. "Charitable organization" shall mean any religious, charitable, civic, veterans or fraternal organizations to which contributions are exempt from federal income tax, and which is organized under the laws of the state.

Amend section 2 of chapter 171-A as inserted by section 1 of said bill by striking out the words "religious or" so that said section as amended shall read as follows:

2. *License.* The sheriff of any county may issue to any charitable organization within such county a license to conduct games of beano on a specified date, at a specified time and at a specified location.

The report was accepted.

On motion of Senator Hartnett the report and the accompanying amendment was laid upon the table to be printed in the Journal.

A majority of the Committee on Judiciary, to whom was referred:

House Bill No. 76, An act relative to annual reports of certain county officers.

Having considered the same, reported the same with the following resolution:

Resolved, That it is inexpedient to legislate.

ARTHUR J. REINHART,
GEORGE W. TARLSON,
CHARLES F. HARTNETT,
THOMAS B. O'MALLEY,
ROBERT BINGHAM,

For the Majority of the Committee.

A minority of the Committee on Judiciary, to whom was referred:

House Bill No. 76, An act relative to annual reports of certain county officers.

Having considered the same, reported the same with the following amendment and recommended that the bill as amended ought to pass.

1. *County Officers.* Amend chapter 50 of the Revised Laws by adding after section 4 the following new section:

5. *Annual Statements to be Filed.* Every public officer or employee of the state, county or municipal government, except Notaries Public or Justices of the Peace, as such, who received fees as part of his compensation, shall file on or before April first of each year, with the Secretary of State, a statement of such fees chargeable thereto, for the preceding year.

Such statement shall be under oath, shall show the income from each type of work, such as salary, court attendance, criminal investigations, service of civil process, recording and other fees, and whether the same is for services, mileage or expenses. Said statement when filed with the Secretary of State shall be open to inspection of any duly elected official of the state.

2. *Penalty.* Further amend said chapter of the Revised Laws by adding after section 5 as hereinbefore inserted the following new section:

6. *Penalty.* Any person who neglects or fails to file the statement of income as required by section 5 shall be fined \$100.00 dollars.

3. *Takes Effect.* This act shall take effect on June 30, 1949.

EUGENE S. DANIELL, JR.

SARA E. OTIS,

For a Minority of the Committee.

The report of the majority was accepted.

Senator Otis moved that the report of the minority, ought to pass with amendment, be substituted for that of the majority, inexpedient to legislate.

(Discussion ensued)

Senators Otis, Nickerson, Daniell, and McMeekin spoke in favor of the motion.

Senators Tarlson, C. Cummings, and Hartnett spoke in opposition to the motion.

The question being stated, Shall the report of the minority, ought to pass with amendment, be substituted for that of the majority, inexpedient to legislate?

Senator Otis demanded a roll call.

The clerk proceeded to call the roll.

Roll Call

The following named senators voted in the affirmative: Senators Nickerson, Dole, Daniell, Bass, Otis.

The following named senators voted in the negative: Senators Hayes, C. Cummings, McMeekin, Tarlson, Ainsworth, Brunel, Pierce, Noel, Wiggin, Bingham, Caron, O'Malley, Lulmiere, Burbank, Hartnett, Butman, Spollett and Reinhart.

Five senators having voted in the affirmative and eighteen senators having voted in the negative, the negative prevailed, and the motion to substitute was lost.

The question being on the adoption of the resolution offered by the Committee, inexpedient to legislate.

On a *viva voce* vote the affirmative prevailed, and the resolution of the committee was adopted.

Senator Noel, for the Committee on Engrossed Bills, to whom was referred:

House Bill No. 325, An act relating to operation of motor vehicles while under the influence of intoxicating liquor.

Having considered the same, reported the same under joint rule No. 6 with the following amendment and recommended that the bill as amended ought to pass.

Amend section 1 of said bill by striking out the first four lines and inserting in place thereof the following:

1. *Operation of Motor Vehicles.* Amend chapter 118 of the Revised Laws by adding thereto the following new section: 16-a. *Evidence of Intoxication.* Upon complaint, information, indictment or trial of any person charged with the violation of section 16, the court may admit

Further amend said section 1 of the bill by striking out the words "sufficiently to lessen his driving ability within the meaning of the statutory definitions of the offenses" in the

tenth, eleventh and twelfth lines and in the twenty-second and twenty-third lines and further amend said section 1 by striking out the word "within the meaning of this act" in the sixteenth and seventeenth lines.

On motion of Senator Noel the report was accepted, amendment adopted, and the bill as amended was sent to the House of Representatives for concurrence in Senate amendment.

Bills Engrossed

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled bills:

Senate Bill No. 83, An act relating to transfer tax on certain buildings in the town of Hampton.

House Bill No. 264, An act relating to appointment of probation officers in large towns and cities.

ALDEGE A. NOEL,
For the Committee.

Taken from the Table

Senate Bill No. 71, An act relative to intimidation of members of the general court, was taken from the table.

Senator Daniell moved that the above entitled bill be laid upon the table and made a special order for Tuesday, May 17, at 11:01 o'clock.

Senator Daniell withdrew his motion.

Senator Spollett moved that the bill and the accompanying amendment be indefinitely postponed.

(Discussion ensued)

Senators Noel and Spollett spoke in favor of the motion.

Senators Daniell, Otis, McMeekin spoke in opposition to the motion.

Senator Reinhart moved the previous question and on that question Senator Daniell demanded a roll call.

The question being, Shall the main question now be put?

The Clerk proceeded to call the roll.

Roll Call

The following named senators voted in the affirmative: Senators Hayes, C. Cummings, McMeekin, Nickerson, Dole, Tarlson, Ainsworth, Brunel, Pierce, Noel, Wiggin, Otis, Bingham, Caron, O'Malley, Lalumiere, Gurbank, Hartnett, Butman, Spollett and Reinhart.

The following named senator voted in the negative: Senator Daniell.

Twenty-one senators having voted in the affirmative, and one senator having voted in the negative, the affirmative prevailed and the main question was now in order, it being, Shall the bill be indefinitely postponed?

On a *viva voce* vote the Chair was in doubt.

President Bass requested a division.

Sixteen senators having voted in the affirmative, and six senators having voted in the negative, the affirmative prevailed and the bill was indefinitely postponed.

On motion of Senator Spollett the following resolution was adopted:

Resolved, That the rules be so far suspended as to permit all business in order for this afternoon at two o'clock to be made in order at the present time.

Third Reading

The following bill was read a third time:

House Bill No. 207, An act relating to investments of savings banks.

The question being stated, Shall the bill pass?

On a *viva voce* vote the Chair was in doubt.

President Bass requested a division.

Sixteen senators having voted in the affirmative and six senators having voted in the negative, the affirmative prevailed and the bill passed.

Senator Noel moved that the Senate reconsider its vote on the above entitled bill.

On a *viva voce* vote the negative prevailed, and the motion to reconsider was lost.

On motion of Senator Tarlson the following resolution was adopted:

Resolved, That when the Senate adjourns today it be to meet Tuesday morning at 11:00 o'clock.

On motion of Senator Butman the Senate adjourned.

TUESDAY, MAY 17, 1949

The Senate met according to adjournment.

Leave of Absence

Senator O'Malley was granted a leave of absence for the week on account of important business.

House Message

The following message was received from the House of Representatives by its Clerk:

Mr. President:

The House of Representatives has passed the following entitled bills, in the passage of which it asks the concurrence of the Honorable Senate:

House Bill No. 291, An act relative to the salary of the mayor and establishing a department of public works in the city of Rochester.

House Bill No. 400, An act to revise the Charter of the City of Franklin.

House Bill No. 401, An act relating to notice of tax sales.

House Bill No. 449, An act relative to the emotionally or mentally ill.

House Bill No. 479, An act relative to protection against Bang's disease.

The message further stated that the House of Representatives has voted to adopt the following concurrent resolution in the adoption of which it asks the concurrence of the Honorable Senate:

Resolution memorializing congress urging passage of a Senate bill relating to multiple sclerosis and related neurological diseases.

The message further stated that the House of Representatives has voted to adopt the amendments offered by the Committee on Engrossed Bills to the following joint resolution, in the adoption of which amendments the House of Representatives asks the concurrence of the Honorable Senate:

Senate Joint Resolution No. 11, Joint resolution concerning a bridge in the town of Warner.

Amend the resolution by striking out the third paragraph thereof and inserting in place thereof the following:

Resolved by the Senate and House of Representatives in General Court convened:

That the highway department is hereby relieved of any obligation to the town of Warner insofar as the same shall apply to Bagley bridge in said town but said department is authorized to expend from the funds of the department the sum of thirteen thousand dollars for the rebuilding of the so-called John Ela bridge in the central part of said town provided that the town of Warner shall appropriate the sum of two thousand dollars to cover the cost of building approaches to said bridge and provided further that any costs in excess of the above amount for rebuilding said John Ela bridge shall be as provided by law for town bridge aid.

On motion of Senator C. Cummings the Senate voted to concur in the adoption of the amendments offered by the Committee on Engrossed Bills sent up from the House of Representatives.

The message further stated that the House of Representatives had voted to adopt the amendments offered by the Committee on Engrossed Bills to the following bill, in the adoption of which amendments the House of Representatives asked the concurrence of the Honorable Senate:

House Bill No. 460, An act relating to workmen's compensation, (extending of insurance coverage).

Amend the title of the bill by striking out the same and inserting in place thereof the following:

An act relative to notices required by insurance carriers in certain cases relating to workmen's compensation.

Amend section 1 of said bill by striking out the same and inserting in place thereof the following:

1. *Insurance Carriers.* Amend chapter 216 of the Revised Laws as inserted by chapter 266 of the Laws of 1947 by inserting after section 8 the following new section: 8-a. *Notices Required to be Filed.* I. A policy of workmen's compensation insurance covering the liability of an employer under the provisions of this chapter shall not be cancelled within the time limited in such policy for its expiration until at least thirty days after a notice of intention to cancel such policy on a date specified in such notice has been filed in the office of the commissioner and also served on the employer.

II. An insurance carrier who does not intend to renew a policy of workmen's compensation insurance covering the liability of an employer under the provisions of this chapter thirty days prior to the expiration of such policy shall give notice of such intention to the commissioner of labor and to the covered employer. An insurance carrier who fails to give such notice shall continue the policy in force beyond its expiration date for thirty days from the day such notice is received by the commissioner. Provided, however, that this latter provision shall not apply if prior to such expiration date the insurance carrier has offered to continue the insurance beyond such date by delivery of a renewal contract or otherwise or if the employer notifies the insurance carrier that he does not wish the insurance continued beyond such expiration date or if the employer complies with the provisions of paragraph II of section 8 on or before the expiration date of the existing insurance or if the employer replaces said insurance with another carrier.

On motion of Senator Noel reading of the amendment was dispensed with and the Senate voted to concur in the amendments to the above entitled bill offered by the Committee on Engrossed Bills sent up from the House of Representatives.

Read and Referred

The following entitled bills sent up from the House of Representatives were read a first and second time and referred:

To the Committee on Ways and Means:

House Bill No. 291, An act relative to the salary of the mayor and establishing a department of public works in the city of Rochester.

To the Committee on Judiciary:

House Bill No. 400, An act to revise the Charter of the City of Franklin.

House Bill No. 401, An act relating to notice of tax sales.

House Bill No. 434, An act providing for the adoption of council-manager form of government for the city of Manchester.

To the Committee on Public Welfare:

House Bill 449, An act relative to the emotionally or mentally ill.

To the Committee on Agriculture:

House Bill No. 479, An act relative to protection against Bang's disease.

Introduction of Bills

The Committee on Rules introduced the following entitled bills which were read a first and second time, laid on the table to be printed, and referred:

To the Committee on Fisheries and Game, Forestry and Recreation:

Senate Bill No. 127, An act relative to the powers of the director of fish and game.

To the Committee on Ways and Means:

Senate Bill No. 128, An act ratifying certain action of the town of Whitefield relative to the so-called Morrison Hospital.

Senate Bill No. 129, An act authorizing the town of Hampton to issue serial notes or bonds.

The President declared a recess.

Recess

The Senate re-assembled.

Committee Reports

Senator Bingham, for the Committee on Judiciary, to whom was referred:

Senate Bill No. 111, An act relating to the superior court.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted, and the above entitled bill was referred to the Committee on Finance under the rules.

Senator Bingham, for the Committee on Judiciary, to whom was referred:

Senate Bill No. 112, An act relating to damages under the death statute.

Senate Bill No. 120, An act relating to reports by registers of deeds.

House Bill No. 343, (in new draft), An act to provide for the registration of trade-marks, labels, brands, designs, devices, symbols, and forms of advertisements.

Having considered the same, reported the same without amendment, and recommended their passage.

The reports were accepted, and the bills were ordered to a third reading this afternoon at two o'clock.

Senator Bingham, for the Committee on Judiciary, to whom was referred:

Senate Bill No. 116, An act relative to storage of crude petroleum.

Having considered the same, reported the same with the following amendment, and recommended that the bill as amended ought to pass.

Amend the title of the bill by striking out the words "storage of" so that said title as amended shall read:

An act relative to crude petroleum.

Amend section 1 of the bill by striking out the whole of said section and substituting in place thereof the following:

1. *Repeal.* Sections 28, 29 and 30 of Chapter 193 of the Revised Laws relative to storage, licenses, and penalty respectively, of crude petroleum or any of its products is hereby repealed.

The report was accepted, amendment adopted, and the bill as amended was ordered to a third reading this afternoon at two o'clock.

Senator Noel, for the Committee on Ways and Means, to whom was referred:

House Bill No. 356, An act to legalize the town meeting of Lisbon.

Senate Bill No. 105, An act relative to the state racing commission and rules and regulations of said commission.

Having considered the same, reported the same without amendment, and recommended their passage.

The reports were accepted, and the bills were ordered to a third reading this afternoon at two o'clock.

Senator Noel, for the Committee on Ways and Means, to whom was referred:

Senate Bill No. 109, An act providing for regulation of open-air motion picture theaters.

Having considered the same, reported the same with the following amendment, and recommended that bill as amended ought to pass.

Amend said bill by inserting at the end of section 1 the following new paragraph:

32-c. *Regulation by Selectmen.* Prior to the adoption of by-laws by a town under the provisions of section 32-b the selectmen may regulate the operation of open-air motion picture theaters within the limits of the town and fix reasonable fees for such operation, provided that such regulations made by the selectmen shall only be effective until the next annual town meeting and provided further that nothing herein contained shall be deemed to prohibit the town from adopting by-laws in accordance with the provisions of said section 32-b at any special town meeting which shall supersede any regulations made by the selectmen.

The report was accepted, amendment adopted, and the bill as amended was ordered to a third reading this afternoon at two o'clock.

Senator Noel, for the Committee on Ways and Means, to whom was referred:

House Bill No. 114, An act relative to retirement benefits under the firemen's retirement system.

Having considered the same, reported the same with the following amendment and recommended that the bill as amended ought to pass.

Amend section 1 of said bill by striking out said section and inserting in place thereof the following:

1. *Firemen.* Amend section 15 of chapter 220 of the Revised Laws by striking out the same and inserting in place thereof the following: 15. *Retirement Benefits.* Any permanent fireman who retires or is dismissed from active service as provided in section 13, and who shall have complied with all provisions of this chapter and with the rules and regulations of the board, shall be entitled to receive from said board for each year during the remainder of his natural life retirement benefits based upon his average final salary, as defined hereinafter, at the rates in the following table:

Age at Retirement	Retirement Benefit (per cent of average final salary)
60	36.7
61	39.0
62	41.5
63	44.1
64	46.9
65 and over	50.0

The "average final salary" shall mean the average annual earnable compensation of a member during his last five years of service prior to the date of retirement or dismissal, as determined by the board, provided that said average final salary shall in no case exceed two thousand five hundred dollars, except as hereinafter provided, which amount shall be the maximum assessable annual salary. Provided, that the maximum assessable annual salary shall not apply to those members who, as of the date when this section becomes effective, earned a yearly salary above two thousand five hundred dollars and were applicants to the chapter at that time; their retirement benefits shall be based as above upon one-half their total salary earned during the last five years of service to the date of their retirement. The retirement benefits shall be paid to the retired member on the first business day of each calendar month in as nearly equal monthly installments as possible. No permanent fireman who has retired under the provisions of this chapter shall be paid for any service performed in the fire department during the time of his retirement unless it be for specific duty during a period of public emergency. The

board shall have the right to further modify the actuarial table of rates of retirement benefits accruing to members retiring on account of age, between the ages of 60 to 64 inclusive, based upon periodic actuarial valuations of the retirement system made every third year beginning July 1, 1949.

Further amend said bill by inserting after section 1 the following new section:

2. *Change in Age.* Amend section 13 of chapter 220 of the Revised Laws by striking out the word "sixty-five" where it occurs and inserting in place thereof the word, sixty, so that said section as amended shall read as follows: 13. *Retirement.* No voluntary retirements hereunder may take place before July 1, 1942. Any permanent fireman who accepts the provisions hereof may retire from active service at the age of sixty provided he has served as a permanent fireman for a period of twenty years. All permanent firemen who accept the provisions hereof and who have served as permanent firemen for twenty years shall retire from active service at the age of seventy. Upon the recommendation of his chief and the recommendation of the association that any permanent fireman, who has accepted this chapter, is capable of further rendering satisfactory service, the retirement board may extend the age of compulsory retirement for such fireman for five years. Any permanent fireman accepting the provisions hereof and having served for twenty years who shall be dismissed from service after having reached the age of sixty shall be entitled to the benefits of this chapter. Upon retirement a permanent fireman shall no longer be obligated to pay assessments to the retirement fund. Call firemen who become permanent firemen may have one-half of their term of service as call firemen counted as part of their term of service as permanent firemen, provided that the five years immediately preceding retirement shall have been permanent service. The probationary periods of permanent firemen shall be counted as part of their term of service.

Further amend said bill by renumbering sections 2 and 3 to read sections 3 and 4, respectively.

The report was accepted.

The above entitled bill with its accompanying amendment was laid on the table to be printed in the Journal under the rules.

Senator Caron, for the Committee on Military and Veterans Affairs, to whom was referred:

House Bill No. 360, An act relating to certain tax exemption of citizens who fought with allies of the United States.

Having considered the same, reported the same with the following amendment, and recommended that the bill as amended ought to pass:

Amend the bill by striking out all after the enacting clause and substituting in place thereof the following:

1. *Poll Taxes.* Amend section 1 of Chapter 73 of the Revised Laws as amended by chapter 5 of the Laws of 1944 by striking out all of said section and inserting in place thereof the following: 1. *Persons Liable.* A poll tax of two dollars shall be assessed on every inhabitant of the state from twenty-one to seventy years of age, whether a citizen of the United States or an alien, except paupers, insane persons, the widow of any person who was a veteran of forces allied with the United States as defined by section 29-c, chapter 73 of the Revised Laws as inserted by chapter 240 of the Laws of 1947 and others exempt by special provisions of law.

2. *Exemptions.* Amend section 2 of said chapter 73 as amended by section 1 of chapter 173 of the Laws of 1943 by striking out all of said section 1 and inserting in place thereof the following: 2. *Veterans Exemption.* Any veteran of any war in which the United States has been engaged and any veteran of the armed forces of the governments allied with the United States as defined by section 29-c of this chapter, who shall present to the selectmen or assessors of the town in which he lives, for inspection and record, his pension certificate awarding to him an invalid pension of any amount, or a discharge other than dishonorable from such wars, shall thereafter be exempt from the levy of a poll tax.

3. *Repeal.* Section 4 of said chapter 73 as amended by section 2, chapter 173, Laws of 1943, relative to disability exemption, is hereby repealed.

4. *Veterans of Allied Forces.* Amend section 29-c of said Chapter 73, as inserted by chapter 240 of the Laws of 1947, by inserting after the word "who" in the third line the words, being a citizen of the United States, or; so that said section as amended shall read as follows:

29-c. *Veterans of Allied Forces.* Any person otherwise entitled under the provisions of sections 29, 29-a or 29-b of this chapter who being a citizen of the United States or being a resident of New Hampshire at the time of his entry therein, served on active duty in the armed forces of any of the governments associated with the United States in the wars set forth in section 29 shall be entitled to the exemption authorized by said section.

5. *Takes Effect.* This act shall take effect upon its passage.

The report was accepted, and the bill with its accompanying amendment was laid on the table to be printed in the Journal under the rules.

Taken from the Table

Senate Bill No. 94, An act relating to beano, was taken from the table.

The question being on the adoption of the amendment offered by the committee, which was printed in the Journal of May 12.

On a *viva voce* vote, the amendment was adopted.

(Discussion ensued)

Senators Bingham, Dole, Otis spoke in opposition to the bill.

Senator Butman spoke in favor of the bill.

Senator Otis requested a division.

Senator Bingham moved that the above entitled bill be indefinitely postponed.

(Discussion ensued)

Senator McMeekin spoke in opposition to the bill in its present form.

Senator Butman spoke in favor of the bill.

Senator Lalumiere spoke in favor of the bill.

On a *viva voce* vote, the negative prevailed and the motion to indefinitely postpone was lost.

The question being stated, Shall the bill be read a third time?

The President declared a recess.

Recess

The Senate re-assembled.

Senator McMeekin offered the following amendment:

Amend the bill as amended by inserting after the word organization in section 2 thereof, the words "except a religious organization."

(Discussion ensued)

Senators Pierce and Butman spoke in opposition to the adoption of the amendment.

Senator McMeekin spoke in favor of the adoption of the amendment.

On a *viva voce* vote the negative prevailed, and the amendment was not adopted.

The question being, Shall the bill be read a third time?

On a *viva voce* vote the affirmative prevailed, and the above entitled bill was ordered to a third reading this afternoon at two o'clock.

Bills Engrossed

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled bills:

Senate Bill No. 61, An act legalizing school district meeting in the town of Newfields held March 1, 1949.

Senate Bill No. 82, An act relative to Milton Fire District.

Senate Bill No. 87, An act validating certain proceedings of the town of Bristol.

Senate Bill No. 97, An act relative to deposit of city funds in banks.

House Bill No. 98, An act providing for the classification of certain surface waters.

House Bill No. 135, An act pertaining to jail sentences.

House Bill No. 326, An act relating to compensation of election officials of the city of Manchester.

House Bill No. 366, An act relative to motorized bicycles or scooters.

House Bill No. 429, An act relative to unemployment compensation adjustments and refunds.

House Bill No. 459, An act providing for an increase in the amount of weekly compensation under the workmen's compensation law.

House Bill No. 478, An act relative to construction and reconstruction of primary and secondary highways.

ALDEGE A. NOEL,
For the Committee.

President Bass revoked the order whereby he referred House Bill No. 291, An act relative to the salary of the mayor and establishing a department of public works in the city of Rochester, to the Committee on Ways and Means, and the bill was referred to the Committee on Finance.

Communication

The following communication was received by President Bass:

HON. PERKINS BASS
President of the Senate
Senate Chamber
State House, Concord, N. H.

Dear Mr. Bass:

I am enclosing herewith a preliminary report of the Special Committee investigating the awarding of State contracts.

Very truly yours,

JOHN PILLSBURY, *Chairman*
Investigating Committee

Preliminary Report of Special Legislative Committee

The Special Committee of the Legislature named to investigate and report on the award and administration of State construction contracts has voted unanimously to suspend its public activities with reference to the Standard Construction Company contracts during the course of the trials of the criminal charges brought by the State of New Hampshire against Donat F. Cote and Stephen B. Story. Although it is not prepared to submit a final report of its findings at this time, the committee wishes to make a preliminary statement to the Legislature concerning its activities to date.

Pursuant to the concurrent resolution passed by the Legislature, the committee began public hearings early in February. On February 23rd the committee employed as counsel the Nashua law firm of Sullivan and Gregg.

Only where the Executive Branch of the government has declared that public hearings might jeopardize the State's legal interest has the committee taken testimony in Executive Session.

In pursuing its investigation, the committee has focused its attention on the awarding of contracts for capital improvements and on the relationship of the offices of Comptroller and Treasurer to other State agencies and officials. The committee has not concerned itself with the criminal phase of the so-called Story-Cote case. Out of respect for the State's interest in the indictments brought against Story and Cote, the committee has not pressed the office of the Attorney-General for information which would have proved useful, but which the Attorney-General and Governor refused to deliver for use of the committee except upon conditions not acceptable to the committee. The conditions proposed would have made it impossible for the committee to conduct even a wholly independent investigation thereafter without being subjected to the charge of having breeched a confidence reposed in it. The committee and its counsel have not seen at any time basic information which has been gathered for the State, such as that contained in the report of the Charles T. Main Company and the Lybrand, Ross Brothers and Montgomery firm.

The committee and its counsel have not seen the original manifests, bills, vouchers, contracts, correspondence and checks which were taken from the State files by order of the Attorney General. Because of the refusal of the Executive Department to divulge any of the information gathered for the State by its investigation, the committee has probably been forced to duplicate to some extent the State's efforts.

In the course of its investigation, the committee has made full use of the stenographic help already on the State payrolls. The expenses of the committee to date approximate \$3,000.00.

The committee was instructed to make recommendations for remedial legislation. During the life of the committee the Legislature, however, has passed a general reorganization law of much wider scope. It is the opinion of the committee, there-

fore, that its recommendations should not be presented in legislative form, but that its general recommendations should be referred to the State's Reorganization Commission.

The committee has heard extended but not complete testimony with reference to the qualifications of F. Gordon Kimball as State Treasurer. However, the committee is advised that any statement now on the qualifications of Mr. Kimball might prejudice the interest of either of the parties in the civil action which the State has brought to recover alleged overpayment of funds. It is the sense of the committee that any move made by the Legislature to elect a State Treasurer at this time might also prove prejudicial. The committee will be prepared to make a report on the qualifications of Mr. Kimball at the proper time.

Our investigation has disclosed that apparently the State has confined itself to the activities of Mr. Kimball and Mr. Story and has at no time made any effort to look into the possible civil liability of other State officials who were also involved in the handling of the same contracts. The committee intends to consider further such possibilities.

The committee believes that when the State has presented its evidence in the case against Mr. Story and Mr. Cote, it is advisable that both Mr. Story and Mr. Cote and others be given an opportunity to tell the committee what they know of the parts played by various State officials relating to State contracts.

The committee will submit suggestions for remedial legislation for appropriate action in due course.

The committee is not prepared at this time to state the future course of its investigation in detail. Consideration is being given to the advisability of investigating practices of various departments in awarding contracts not made with the Standard Company or affiliates.

Permission for use of the Senate Chamber was granted to Senator McMeekin for the Committee on Ways and Means to hold a public hearing on Thursday, May 10, one-half hour after adjournment.

Permission for use of the Senate Chamber was granted to Senator Spollett for the Committee on Agriculture to hold a public hearing on Tuesday, May 24, at 1:30 P. M.

On motion of Senator Spollett the following resolution was adopted:

Resolved, That the rules be so far suspended as to permit all business in order for this afternoon at two o'clock to be made in order at the present time.

Third Readings

The following entitled bills were read a third time and passed:

Senate Bill No. 94, An act relating to beano.

Senate Bill No. 105, An act relative to the state racing commission and rules and regulations of said commission.

Senate Bill No. 109, An act providing for regulation of open-air motion picture theaters.

Senate Bill No. 112, An act relating to damages under the death statute.

Senate Bill No. 116, An act relative to crude petroleum.

Senate Bill No. 120, An act relating to reports by registers of deeds.

House Bill No. 343, An act to provide for the registration of trade-marks, labels, brands, designs, devices, symbols, and forms of advertisements.

House Bill No. 356, An act to legalize the town meeting of Lisbon.

On motion of Senator Butman the Senate adjourned.

WEDNESDAY, MAY 18, 1949

The Senate met according to adjournment.

Leave of Absence

Senator Tarlson was granted a leave of absence for the balance of the week on account of important business.

House Message

The following message was received from the House of Representatives by its Clerk:

Mr. President:

The House of Representatives has passed the following entitled bill, in the passage of which it asks the concurrence of the Honorable Senate:

House Bill No. 509, An act relating to restricted instruction permit for motor vehicle operators.

The message further stated that the House of Representatives has voted to concur with the Honorable Senate in its adoption of the amendments offered by the Committee on Engrossed Bills to the following entitled bill:

House Bill No. 325, An act relating to operation of motor vehicles while under the influence of intoxicating liquor.

The message further stated that the House of Representatives has voted to concur with the Honorable Senate in the passage of the following entitled bill sent down from the Honorable Senate:

Senate Bill No. 86, An act establishing district departments of health.

Read and Referred

The following entitled bill sent up from the House of Representatives was read a first and second time and referred to the Committee on Transportation:

House Bill No. 509, An act relating to restricted instruction permit for motor vehicle operators.

Introduction of Bill

The Committee on Rules introduced the following entitled bill which was read a first and second time, laid on the table to be printed, and referred to the Committee on Finance:

Senate Bill No. 130, An act relating to cost of living bonus for state employees.

Committee Reports

Senator Lalumiere for the Committee on Transportation, to whom was referred:

Senate Bill No. 63, An act relative to retaining license numbers of passenger car registration.

Having considered the same, reported the same with the following resolution:

Resolved, That it is inexpedient to legislate.

The report was accepted, and the recommendation of the committee was adopted.

Senator Butman, for the Committee on Banks and Insurance, to whom was referred:

House Bill No. 139, An act relating to interest on small loans.

Having considered the same, reported the same without amendment and recommended its passage.

The report was accepted, and the bill was ordered to a third reading this afternoon at two o'clock.

Senator Wiggin, for the Committee on Fisheries and Game, Forestry and Recreation, to whom was referred:

House Bill No. 105, An act relating to the taking of beaver.

Having considered the same, reported the same without amendment and recommended its passage.

The report was accepted, and the bill was ordered to a third reading this afternoon at two o'clock.

Senator Wiggin, for the Committee on Fisheries and Game, Forestry and Recreation, to whom was referred:

House Bill No. 107, An act relating to shooting human beings while hunting.

Having considered the same, reported the same with the following amendment and recommended that the bill as amended ought to pass:

Amend the bill by striking out the whole of section 1 and substituting in place thereof the following:

1. *Shooting.* Amend section 35 of chapter 241 of the Revised Laws as amended by chapter 63 of the Laws of 1945 by striking out said section and inserting in place thereof the following: 35. *Shooting Human Beings.* Any person who shall shoot at a human being in mistake for game while hunting and through such shooting shall wound or kill such human being may be fined not more than five hundred dollars or imprisoned not more than twelve months, or both and in addition thereto his license shall be revoked. At the discretion of the director and the commission his license may be returned or a special license for fishing only may be issued to said person upon payment of the same fee as for a hunting and fishing license.

Amend chapter 241 of the Revised Laws as amended by chapter 63 of the Laws of 1945 by inserting a new section as

follows: 35a. *Abandoning a Wounded or Killed Human Being.* Any person who shall have shot or killed a human being in mistake for game shall forthwith render necessary assistance to the injured person and report immediately to the nearest law enforcement officer. Upon conviction of violation of the provisions of this section the guilty person shall be fined not more than two thousand dollars or imprisoned not more than five years or both, and his hunting and fishing license shall be revoked for life. The penalty for conviction under this section shall be in addition to any penalty imposed under section 35.

The report was accepted, amendment adopted, and the bill as amended was ordered to a third reading this afternoon at two o'clock.

Senator O'Malley, for the Committee on Finance, to whom were referred:

Senate Joint Resolution No. 8, Joint Resolution in favor of Samuel Jovin.

House Joint Resolution No. 33, Joint resolution in favor of Ross L. Piper.

Having considered the same, reported the same without amendment and recommended their passage.

The reports were accepted, and the bills were ordered to a third reading this afternoon at two o'clock.

Senator O'Malley, for the Committee on Finance, to whom was referred:

House Joint Resolution No. 7, Joint resolution relative to Phineas J. Poor Estate.

Having considered the same, report the same with the following resolution:

Resolved, That it is inexpedient to legislate.

The report was accepted, and the recommendation of the committee was adopted.

Senator Bingham, for the Committee on Judiciary, to whom was referred:

House Bill No. 473, An act relating to appeals in municipal zoning matters.

Having considered the same, reported the same with the following amendment, and recommended that the bill as amended ought to pass:

Amend section 65-c as inserted by section 2 of the bill by striking out the word "clear" in line 9, so that said section as amended shall read as follows:

65-c. *Burden of Proof.* Upon the hearing the burden of proof shall be upon the party seeking to set aside any order or decision of the board of adjustment or legislative body of such municipality to show that the same is clearly unreasonable or unlawful, and all findings of the board of adjustment or legislative body of such municipality upon all questions of fact properly before it shall be deemed to be *prima facie* lawful and reasonable; and the order or decision appealed from shall not be set aside or vacated except for errors of law, unless the court is satisfied, by a preponderance of the evidence before it, that such order is unjust or unreasonable.

The report was accepted.

Senator Hartnett moved that the above entitled bill and its accompanying amendment be indefinitely postponed.

(Discussion ensued)

Senators Reinhart, Daniell, Burbank and Bingham spoke in opposition to the motion.

Senator Hartnett spoke in favor of the motion.

The question being stated, Shall the bill be indefinitely postponed?

On a *viva voce* vote the negative prevailed, and the motion was lost.

The question now being on the adoption of the amendment offered by the committee.

On a *viva voce* vote the affirmative prevailed, the amendment was adopted, and the bill as amended was ordered to a third reading this afternoon at two o'clock.

Senator Bingham, for the Committee on Judiciary, to whom was referred:

House Bill No. 250, An act relating to the use of the names of natural parents of adopted children in certain cases.

Having considered the same, reported the same with the following amendment, and recommended that the bill as amended ought to pass:

Amend House Bill 250 by striking out Section 2 thereof and inserting in place thereof the following:

2. *Return of List.* Amend Chapter 339 of the Revised Laws by striking out Sections 22 and 23 thereof and inserting in place thereof the following: 22. *Return of List.* The clerk of the superior court for each county, at the end of each term of court, shall return to the registrar of vital statistics a full and correct list of all changes of names that have been decreed hereunder by the court since the last return.

Further amend House Bill 250 by inserting the following new section: 3. *Return of Names Changed.* Amend Section 13 of Chapter 347 of the Revised Laws by striking out the whole thereof and inserting in place thereof the following: 13. *Return of Names Changed.* In the months of January and July in each year the register of probate for each county shall return to the registrar of vital statistics a full and correct list of all changes of names that have been made by the judge of probate since the last return.

Further amend House Bill No. 250 by inserting the following new section: 4. *Preservation of Returns.* Amend Section 9 of Chapter 337 of the Revised Laws by striking out the whole thereof and inserting in place thereof the following: The state registrar shall cause the returns made to him in pursuance of the preceding sections, together with the returns of divorces and changes of names made by the clerks of court and the returns of changes of names made by the registrars of probate to be arranged, alphabetical indexes of all the names contained therein to be made and the whole to be bound in convenient volumes and preserved in his office. Records of births, marriages, deaths, divorces and changes of names shall be kept separately.

Further amend House Bill No. 250 by inserting the following new section:

5. *Secretary of State.* All lists of changes of names returned to the secretary of state for publication in the Session Laws of 1949 shall be sent by him to the registrar of vital statistics, and such lists shall not be published in said Session Laws.

The report was accepted, and the bill with its accompanying amendment was laid on the table to be printed in the Journal under the rules.

Senator Caron, for the Committee on Liquor Laws, to whom was referred:

House Bill No. 283, An act relating to licenses for hotels.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted.

Senator McMeekin moved that the bill be indefinitely postponed.

(Discussion ensued)

Senators Pierce, E. Cummings and Daniell, spoke in opposition to the motion.

The President declared a recess.

Recess

The Senate re-assembled.

Senator McMeekin withdrew his motion to indefinitely postpone House Bill No. 238, An act relating to licenses for hotels, and moved that the bill be re-committed to the Committee on Liquor Laws for further consideration.

On a *viva voce* vote, the affirmative prevailed, and the bill was re-committed to the committee.

Senator Spollett, for the Committee on Agriculture, to whom was referred:

House Bill No. 488, An act to revise the charter of the city of Claremont.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted, and the bill was ordered to a third reading this afternoon at two o'clock.

Senator Spollett, for the Committee on Agriculture, to whom was referred:

Senate Bill No. 126, An act relative to grading, packing, shipping and sale of apples.

Having considered the same, reported the same with the following amendment, and recommended that the bill as amended ought to pass:

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1. *Sale of Apples.* Amend section 7 of chapter 197 of the Revised Laws by striking out said section and inserting in place thereof the following: 7. *Certain Information to be Marked on Closed Packages.* Each closed package of apples which is packed, sold, distributed, offered or exposed for sale or distribution in the state by any person shall have affixed in a conspicuous place on the outside thereof a plainly printed statement of (a) the quantity of the accounts, (b) the name and address of the packer, or of the person by whose authority the apples were packed, (c) the true name of the variety, (d) the minimum size of the apples contained therein in accordance with sections 3 and 5, and (e) the name of the state where they were grown. If the true name of the variety is not know to the packer, or of the person by whose authority the apples were packed, the statement shall include the words "Variety unknown," and if the name of the state where the apples were grown is not known, this fact shall also be set forth in the statement. Every package of apples which is repacked shall bear the name and address of the repacker, or the name and address of the person by whose authority it is repacked, in place of that of the original packer.

2. *Takes Effect.* This act shall take effect upon its passage.

The report was accepted, and the bill and its accompanying amendment was laid on the table to be printed in the Journal under the rules.

Senator Spollet, for the Committee on Agriculture, to whom was referred:

House Bill No. 180, An act providing for the manufacture or sale of colored oleomargarine.

Having considered the same, reported the same with the following amendment, and recommended that the bill as amended ought to pass.

Amend the bill by striking out the whole of section 4 and substituting therefor the following:

4. No person shall serve colored oleomargarine at a public eating place, whether or not any charge is made therefor, unless (1) each separate serving bears or is accompanied

by labeling identifying it as oleomargarine or margarine, or (2) each separate serving thereof is triangular in shape.

The report was accepted.

On motion of Senator Butman the above entitled bill and its accompanying amendment was laid on the table and made a special order for Tuesday, May 24, at 11:01.

Taken from the Table

House Bill No. 114, An act relative to retirement benefits under the firemen's retirement system, was taken from the table.

The question being on the adoption of the amendments offered by the committee which were printed in the Journal of May 17.

On a *viva voce* vote, the affirmative prevailed, the amendment was adopted, and the bill as amended was ordered to a third reading this afternoon at two o'clock.

House Bill No. 360, An act relating to certain tax exemption of citizens who fought with allies of the United States, was taken from the table.

The question being on the adoption of the amendments offered by the committee which were printed in the Journal of May 17.

On a *viva voce* vote, the affirmative prevailed, the amendments were adopted, and the bill as amended was ordered to a third reading this afternoon at two o'clock.

Bills Engrossed

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled bills:

House Bill No. 36, An act relating to registration of foreign corporations.

House Bill No. 206, An act relating to insurers not authorized to transact business in this state.

On motion of Senator Spollett the following resolution was adopted:

Resolved, That the rules be so far suspended as to permit all business in order for this afternoon at two o'clock to be made in order at the present time.

Third Readings

The following entitled bills and joint resolutions were read a third time and passed:

House Bill No. 105, An act relating to the taking of beaver.

House Bill No. 107, An act relating to shooting human beings while hunting.

House Bill No. 114, An act relative to retirement benefits under the firemen's retirement system.

House Bill No. 139, An act relating to interest on small loans.

House Bill No. 360, An act relating to certain tax exemption of citizens who fought with allies of the United States.

• House Bill No. 473, An act relating to appeals in municipal zoning matters.

House Bill No. 488, An act to revise the charter of the city of Claremont.

House Joint Resolution No. 33, Joint resolution in favor of the estate of Ross L. Piper.

Senate Joint Resolution No. 8, Joint resolution in favor of Samuel Jovin.

Communication

The following communication from the Legislature of the State of North Carolina relating to world government, was received by the President of the Senate:

Resolution No. 37

A Resolution Memorializing the Congress of the United States concerning proposed constitutional amendments authorizing the United States to negotiate with other nations relating to a world federal government with limited powers adequate to assure peace.

Whereas, war is now a threat to the very existence of our civilization, because modern science has produced weapons of war which are overwhelmingly destructive and against which there is no sure defense; and

Whereas, the effective maintenance of world peace is the proper concern and responsibility of every American citizen; and

Whereas, the people of the State of North Carolina, while now enjoying domestic peace and security under the laws of their local State and Federal Government, deeply desire the guarantee of world peace; and

Whereas, all history shows that peace is the product of law and order, and that law and order are the product of government; and

Whereas, the United Nations, as presently constituted, although accomplishing great good in many fields, lacks authority to enact, interpret or enforce world law, and under its present charter is incapable of restraining any major nations which may foster or foment war; and

Whereas, the Charter of the United Nations expressly provides, in Articles 108 and 109, a procedure for reviewing and altering the charter; and

Whereas, in 1941, North Carolina was the first of many states to memorialize Congress, through Resolutions by their State Legislatures or in referenda by their voters, to initiate steps towards the creation of a World Federal Government; and

Whereas, several nations have recently adopted constitutional provisions to facilitate their entry into a World Federal Government by authorizing a delegation to such a World Federal Government of a portion of their sovereignty sufficient to endow it with power adequate to prevent war.

Now, Therefore, be it Resolved by the House of Representatives, the Senate concurring:

SECTION 1. That application is hereby made to the Congress of the United States, pursuant to Article V of the Constitution of the United States, to call a convention for the sole purpose of proposing amendments to the Constitution which are appropriate to authorize the United States to negotiate with other nations, subject to later ratification, a Constitution of a World Federal Government, open to all nations, with limited powers adequate to assure peace, or amendments to the Constitution which are appropriate to ratify any world constitution which is presented to the United

States by the United Nations, by a world constitutional convention or otherwise; and be it further resolved.

SEC. 2. That the Secretary of State is hereby directed to transmit copies of this application to the Senate and the House of Representatives of the Congress, to the members of the said Senate and House of Representatives from this State, and to the presiding officers of each of the Legislatures in the several states, requesting their co-operation.

SEC. 3. That this Resolution be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified this the 20th day of April, 1949.

H. P. TAYLOR,
President of the Senate.

KERR CRAIGE RAMSEY,
*Speaker of the House of
Representatives.*

Examined and found correct,

CLYDE M. ROBERTS, for Committee.

On motion of Senator Butman the Senate adjourned.

THURSDAY, MAY 19, 1949

The Senate met according to adjournment.

Leave of Absence

Senator Ainsworth was granted a leave of absence on account of illness in the family.

House Message

The following message was received from the House of Representatives by its Clerk:

Mr. President:

The House of Representatives has passed the following entitled bills in the passage of which it asks the concurrence of the Honorable Senate:

House Bill No. 99, An act to increase the salaries of the assessors of the city of Concord.

House Bill No. 300, An act relating to obscene literature, pictures and articles.

House Bill No. 495, An act relating to the appointment of a special consultant to the highway commissioner.

House Bill No. 496, An act relating to the appointment of assistant highway commissioner and a chief engineer.

The message further stated that the House of Representatives concurs with the Honorable Senate in the passage of the following entitled bill with amendments, in the passage of which amendments the House of Representatives asks the concurrence of the Honorable Senate:

Senate Bill No. 81, An act relating to separate maintenance.

Amend section 1 of the bill by striking out the same and inserting in place thereof the following:

1. *Pending Divorce Proceedings.* Amend section 14 of chapter 339 of the Revised Laws by striking out the same and inserting in place thereof the following: 14. *Temporary Orders.* After the filing of a libel for divorce, the superior court, or any justice thereof, may restrain either party from imposing any restraint upon the person or liberty of the other, or from entering the tenement wherein the other resides during the pendency of the libel and, during such pendency, may order a temporary allowance to be paid for the support of the other, and may make such orders respecting the custody and maintenance of the minor children of the parties as shall be deemed expedient and for the benefit of the children.

On motion of Senator Reinhart the Senate voted to concur in the adoption of the amendments to the above entitled bill sent up from the House of Representatives.

Read and Referred

The following entitled bills sent up from the House of Representatives were read a first and second time, and referred:

To the Committee on Ways and Means:

House Bill No. 99, An act to increase the salaries of the assessors of the city of Concord.

House Bill No. 300, An act relating to obscene literature, pictures and articles.

To the Committee on Public Works:

House Bill No. 495, An act relating to the appointment of a special consultant to the highway commissioner.

House Bill No. 496, An act relating to the appointment of assistant highway commissioner and a chief engineer.

President Bass revoked the order whereby:

House Bill No. 258, An act relative to maintenance of recreational roads.

House Bill No. 474, An act relative to state bridge aid, were referred to the Joint committee on Public Works and Finance, and the above entitled bills were referred to the Committee on Public Works.

Committee Reports

Senator Bingham, for the Committee on Judiciary, to whom was referred

Senate Bill No. 117, An act relating to notice by administrators to parties in pending actions.

Having considered the same, reported the same with the following amendment and recommended that the bill as amended ought to pass:

Amend the bill by striking out all after the enacting clause and substituting therefor the following:

1. Amend section 10 of chapter 355 of the Revised Laws by striking out the whole of said section and substituting therefor the following:

10. *Pending Actions.* If such an action is pending at the time of the decease of one of the parties it shall abate and be forever barred, unless the administrator of the deceased party, if the deceased was plaintiff, shall appear and assume the prosecution of the action before the end of the second term after the decease of such party, or, if the deceased party was defendant, unless the plaintiff shall procure a *scire facias* to be issued to the administrator of the deceased party before the end of the second term after the original grant of administration upon his estate. Provided, that in the latter case, the

administrator shall forthwith notify in writing the adverse party or his attorney of record of such death and grant of administration, and such action shall not be barred until the end of the second term after the giving of such notice. Such notice shall be by registered mail, return receipt requested, and such administrator shall file an affidavit in the probate court, showing compliance with the provisions hereof.

2. *Takes Effect.* This act shall take effect upon its passage.

The report was accepted.

Senator Hartnett explained the amendment to the membership of the Senate.

On a *viva voce* vote the affirmative prevailed, the amendment was adopted and the bill as amended was ordered to a third reading this afternoon at two o'clock.

Senator Noel, for the Committee on Engrossed Bills, to whom was referred:

House Bill No. 207, An act relating to investments of savings banks.

Having considered the same, reported the same, under Joint Rule No. 6, with the following amendment and recommended that the bill as amended ought to pass.

Amend section 4 of said bill by striking out the first five lines and inserting in place thereof the following:

4. *Limitations.* Amend section 13 of chapter 310 of the Revised Laws by striking out the word and figure "and XIII" and inserting in place thereof the word and figures, XIII, XV, XVI, and XVII, and further amend said section by striking out the word and figure "paragraph XIV" and inserting in place thereof the words and figures, paragraphs XIV and XVIII, so that said section as amended shall read as follows:

On motion of Senator Noel the Senate voted to adopt the amendment offered by the Committee on Engrossed Bills, and the bill as amended was sent to the House of Representatives for concurrence in Senate amendment.

Senator Bingham, for the Committee on Judiciary, to whom was referred:

Senate Bill No. 119, An act relative to information required in inventories of estate.

Having considered the same, reported the same with the following resolution:

Resolved, That it is inexpedient to legislate.

The report was accepted, and the recommendation of the committee was adopted.

Senator Wiggin, for the Committee on Fisheries and Game, Forestry and Recreation, to whom was referred:

Senate Bill No. 113, An act relative to free fishing licenses to persons over seventy years of age.

Having considered the same, reported the same with the following resolution:

Resolved, That it is inexpedient to legislate.

The report was accepted.

Senator Lalumiere moved that the words ought to pass be substituted for the words inexpedient to legislate.

(Discussion ensued)

Senators Lalumiere, Daniell, E. Cummings and Noel spoke in favor of the motion.

The question being stated, Shall the words ought to pass be substituted for the words inexpedient to legislate?

On a *viva voce* vote, the affirmative prevailed, the motion carried, and the above entitled bill was ordered to a third reading this afternoon at two o'clock.

Senator Wiggin, for the Committee on Fisheries and Game, Forestry and Recreation, to whom was referred:

Senate Bill No. 114, An act relative to fishing and hunting licenses.

Having considered the same, reported the same with the following resolution:

Resolved, That it is inexpedient to legislate.

The report was accepted.

Senator Lalumiere moved that the words ought to pass, be substituted for the words inexpedient to legislate.

(Discussion ensued)

Senators Lalumiere, Daniell, McMeekin and Noel spoke in favor of the motion.

The question being stated, Shall the words ought to pass be substituted for the words inexpedient to legislate?

On a *viva voce* vote the affirmative prevailed, the motion carried, and the above entitled bill was ordered to a third reading this afternoon at two o'clock.

Introduction of Guests.

President Bass introduced to the senate, as guests, students from the Kendall Hall School and Mr. George Kimball, Headmaster of the school.

President Bass also introduced to the Senate, as guests of Senator Butman of District No. 22, Frances Havens and Mary Hodgdon.

Committee Reports

Senator Spollett, for the Committee on Public Works, to whom was referred:

Senate Bill No. 78, An act relative to low rent housing.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted and the bill was referred to the Committee on Finance under the rules.

Senator Spollett, for the Committee on Public Works, to whom was referred:

House Bill No. 442, An act relative to allotment of funds to towns for the maintenance of classified highways.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted, and the bill ordered to a third reading this afternoon at two o'clock.

Senator Lalumiere, for the Committee on Transportation, to whom were referred:

House Bill No. 506, An act relating to turning movements by motor vehicles on public highways.

House Bill No. 361, in new draft and new title, An act relative to fees for special permits to move objects or vehicles and loads.

House Bill No. 507, An act relative to motor vehicles travelling in line.

House Bill No. 508, An act defining the rights of pedestrians at cross walks.

Senate Bill No. 118, An act defining "highway building equipment" under the motor vehicle laws.

Having considered the same, reported the same without amendment, and recommended their passage.

The reports were accepted, and the bills were ordered to a third reading this afternoon at two o'clock.

Senator Lalumiere, for the Committee on Transportation, to whom was referred:

House Bill No. 466, An act relative to legal length of motor busses.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted.

Senator Daniell moved that the words, inexpedient to legislate, be substituted for the words, ought to pass.

(Discussion ensued)

Senators Daniell and McMeekin spoke in favor of the motion.

Senators Wiggin and E. Cummings spoke in opposition to the motion.

The question being stated, Shall the words, inexpedient to legislate, be substituted for the words, ought to pass?

On a *viva voce* vote the negative prevailed, the motion was lost and the above entitled bill was ordered to a third reading this afternoon at two o'clock.

Senator Noel, for the Committee on Ways and Means, to whom was referred:

Senate Bill No. 121, An act relating to assistant pharmacists.

House Bill No. 503, An act legalizing the school district meeting held March 8, 1949 in Harrisville.

House Bill No. 504, An act relative to aliens.

House Bill No. 510, An act relative to exemptions from jury service from members of the general court and delegates to a constitutional convention.

Having considered the same, reported the same without amendment and recommended their passage.

The reports were accepted, and the bills ordered to a third reading this afternoon at two o'clock.

Bills Engrossed

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled bills:

Senate Joint Resolution No. 11, Resolution concerning a bridge in the Town of Warner.

Senate Bill No. 36, An act establishing district departments of health.

House Bill No. 325, An act relating to operation of motor vehicles while under the influence of intoxicating liquor.

House Bill No. 356, An act to legalize the town meeting of Lisbon.

House Bill No. 460, An act relative to motions required by insurance carriers in certain cases relating to workmen's compensation.

ALDEGE A. NOEL,
For the Committee.

Taken from the Table

House Bill No. 250, An act relating to the use of the names of natural parents of adopted children in certain cases.

The question being on the adoption of the amendment offered by the committee.

On a *viva voce* vote the affirmative prevailed, the amendment was adopted, and the bill as amended was ordered to a third reading this afternoon, at two o'clock.

Senate Bill No. 126, An act relative to grading, packing, shipping and sale of apples.

The question being on the adoption of the amendment offered by the committee.

On a *viva voce* vote the affirmative prevailed, the amendment was adopted, and the bill as amended was ordered to a third reading this afternoon at two o'clock.

On motion of Senator Spollett the following resolution was adopted:

Resolved, That the rules be so far suspended as to permit all business in order for this afternoon to be made in order at the present time.

Third Readings

The following entitled bills were read a third time and passed:

Senate Bill No. 113, An act relative to free fishing licenses to persons over seventy years of age.

Senate Bill No. 114, An act relative to fishing and hunting licenses.

Senate Bill No. 117, An act relating to notice by administrators to parties in pending actions.

Senate Bill No. 118, An act defining "highway building equipment" under the motor vehicle laws.

Senate Bill No. 121, An act relating to assistant pharmacists.

Senate Bill No. 126, An act relative to grading, packing, shipping and sale of apples.

House Bill No. 250, An act relating to the use of the names of natural parents of adopted children in certain cases.

House Bill No. 361, (in new draft and new title), An act relative to fees for special permits to move objects or vehicles and loads.

House Bill No. 442, An act relative to allotment of funds to towns for the maintenance of classified highways.

House Bill No. 466, An act relative to legal length of motor busses.

House Bill No. 503, An act legalizing the school district meeting held March 8th, 1949, in Harrisville.

House Bill No. 504, An act relative to aliens.

House Bill No. 506, An act relating to turning movements by motor vehicles on public highways.

House Bill No. 507, An act relative to motor vehicles travelling in line.

House Bill No. 508, An act defining the rights of pedestrians at cross walks.

House Bill No. 510, An act relative to exemptions from jury service from members of the general court and delegates to a constitutional convention.

On motion of Senator Daniell the following resolution was adopted:

Resolved, That when the Senate adjourns today it be to meet Tuesday morning at 11:00 o'clock.

On motion of Senator Butman the Senate adjourned.

TUESDAY, MAY 24, 1949

The Senate met according to adjournment.

Leave of Absence

Senator Daniell was granted a leave of absence on account of the death of his father.

Resolution

On motion of Senator Caron the following resolution was unanimously adopted by a rising vote:

Resolved, That the members of the Senate extend their sincere sympathy to Senator Eugene S. Daniell, Jr. in the death of his father, Eugene S. Daniell of Franklin.

And Be It Further Resolved, That the Clerk be instructed to send a copy of this resolution to Senator Eugene S. Daniell, Jr.

House Message

The following message was received from the House of Representatives, by its Clerk:

Mr. President:

The House of Representatives has passed bills with the following titles, in the passage of which it asks the concurrence of the Honorable Senate:

House Bill No. 414, An act providing a council-manager plan charter for the city of Concord.

House Bill No. 501, An act to revise the charter of the city of Concord.

The message further stated that the House of Representatives has voted to concur with the Honorable Senate in its adoption of the amendments offered by the Committee on Engrossed Bills to the following entitled bill:

House Bill No. 207, An act relating to investments of savings banks.

The message further stated that the House of Representatives has voted to concur with the Honorable Senate in its amendments to the following entitled bill:

House Bill No. 107, An act relating to shooting human beings while hunting.

The message further stated that the House of Representatives has voted to non-concur with the Honorable Senate in the passage of the following entitled bills:

Senate Bill No. 77, An act relative to legal length of brook trout.

Senate Bill No. 95, An act relative to fishing in Cold Spring Pond, Allentown.

Senate Bill No. 101, An act pertaining to conduct of operator of motor vehicle after accident.

The message further stated that the House of Representatives has voted to concur with the Honorable Senate in the passage of the following entitled bills, sent down from the Honorable Senate:

Senate Bill No. 67, An act relating to manufacturer's permits.

Senate Bill No. 72, An act relating to winter maintenance of highways.

Senate Bill No. 92, An act increasing the borrowing power of the town of Pembroke.

Senate Bill No. 96, An act relative to allowances to widow from deceased husband's estate.

Senate Bill No. 98, An act relating to the loan and trust savings banks.

Senate Bill No. 102, An act licensing child placing and child caring agencies.

Senate Bill No. 103, An act relative to adjustments to taxpayers in the town school district of Bath.

Senate Bill No. 104, An act ratifying certain action taken by the school district of Pelham.

Read and Referred

The following entitled bills sent up from the House of Representatives, were read a first and second time and referred:

To the Committee on Judiciary:

House Bill No. 414, An act providing a council-manager plan charter for the city of Concord.

Senator Otis moved that the rules be suspended, reference to committee be dispensed with and that the above entitled bill be read a third time and passed at the present time.

(Discussion ensued)

Senator Otis spoke in favor of the motion.

Senators Noel and Butman spoke in opposition to the motion.

The question being stated, Shall the bill be read a third time and passed at the present time?

On a *viva voce* vote the negative prevailed, and the motion was lost, and the above entitled bill was referred to the Committee on Judiciary.

To the Committee on Judiciary:

House Bill No. 501, An act to revise the charter of the city of Concord.

Committee Reports

Senator Caron, for the Committee on Military and Veterans' Affairs, to whom was referred:

Senate Bill No. 107, An act relative to fire emergencies of military origin.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted, and the bill was ordered to a third reading this afternoon at two o'clock.

Senator Caron, for the Committee on Military and Veteran's Affairs, to whom was referred:

Senate Bill No. 122, An act relating to unemployment compensation benefits for national guard personnel.

Having considered the same, reported the same with the following amendment, and recommended the bill as amended ought to pass.

Amend section 1 of the bill by striking out the whole of said section and substituting in place thereof the following:

1. *Exceptions for National Guard Personnel.* Amend paragraph (1), sub-section P, section 1 of chapter 218 of the Revised Laws as amended by chapter 59 of the Laws of 1947 by inserting at the end thereof the following: (e) Any amounts received from the federal government by members

of the national guard and organized reserve, as drill pay, including longevity pay and allowances.

The report was accepted, amendment adopted, and the bill as amended was ordered to a third reading this afternoon at two o'clock.

Senator Caron, for the Committee on Public Health, to whom was referred:

Concurrent Resolution Memorializing Congress urging passage of a Senate Bill relating to multiple sclerosis and related neurological diseases.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted, and the concurrent resolution was adopted.

Senator Noel, for the Committee on Ways and Means, to whom were referred:

Senate Bill No. 57, An act amending the charter of the city of Concord.

Senate Bill No. 115, An act relating to the reconstruction and financing of the water works system of the Plymouth Village Fire District.

Senate Bill No. 124, An act relative to lease receipts on land taken for flood control.

Senate Bill No. 128, An act ratifying certain action of the town of Whitefield relative to the so-called Morrison Hospital.

House Bill No. 511, An act relative to itinerant retailers of tobacco products.

Having considered the same, reported the same without amendment, and recommended their passage.

The reports were accepted, and the bills were ordered to a third reading this afternoon at two o'clock.

Senator Noel, for the Committee on Ways and Means, to whom was referred:

House Joint Resolution No. 3, Joint resolution extending the authority of the committee to investigate tax exemption laws.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted, and the bill was referred to the Committee on Finance under the rules.

President Bass vacated the order whereby the above entitled bill was referred to the Committee on Finance under the rules, and the bill was ordered to a third reading this afternoon at two o'clock.

Senator Noel, for the Committee on Ways and Means, to whom was referred:

Senate Bill No. 100, An act in relation to municipal utilities.

Having considered the same, reported the same with the following amendment, and recommended that the bill as amended ought to pass:

Amend section 1 of the bill by striking out the words "or extending" in the fourth line, so that said section as amended shall read as follows:

1. Before any town, village district or precinct shall vote to appropriate money or issue bonds or notes for the acquisition of any existing public utility, or for the construction of a new public utility, or for rebuilding a municipally owned utility, the said town shall first submit said proposed plan to the public service commission, including the general details of said plan and the amount proposed to be expended, together with the engineering plans and specifications of contractors, if any.

The report was accepted, and the amendment was adopted.

The question being stated, Shall the bill be ordered to a third reading?

(Discussion ensued)

Senator Bingham spoke in opposition to the motion.

Senator Noel spoke in favor of the motion.

Senator Bingham moved that the bill be re-committed to the Committee on Ways and Means.

(Discussion ensued)

Senators Noel, Caron, Pierce and Butman spoke in opposition to the motion.

The question being stated, Shall the bill be re-committed to the committee?

On a *viva voce* vote the negative prevailed, and the motion to re-commit was lost.

The bill being still on its second reading and open to amendment, Senator McMeekin offered the following amendment:

Amend section 2 of the bill by striking out in the last line the words "or extension."

Further amend by adding after the word acquisition in the third line, the word "or," so that said section as amended shall read as follows:

2. Said commission shall after notice hold a public hearing at which time it shall receive evidence from any interested parties, and shall on its own motion investigate the public need for such acquisition or construction and the feasibility of said proposed plan.

On a *viva voce* vote the affirmative prevailed, the amendment was adopted, and the bill was ordered to a third reading this afternoon at two o'clock.

Senator Noel, for the Committee on Ways and Means, to whom was referred:

House Bill No. 428, in new draft, An act relative to purchases by the purchasing agent.

Having considered the same, reported the same with the following amendment, and recommended that the bill as amended ought to pass:

Amend the bill by striking out in section 8 sub-section III and inserting in place thereof the following; so that sub-section III as amended shall read:

SECTION 8, III. *Courts and State Library.* The supreme court, the superior court and the state reporter are excepted entirely from the provisions of this chapter. The state library is excepted in the matter of the purchase of books and periodicals only. In respect to all other purchases it shall be subject to the provisions of this act.

The report was accepted, amendment adopted, and the bill as amended was ordered to a third reading this afternoon at two o'clock.

Senator Bingham, for the Committee on Judiciary, to whom was referred:

House Bill No. 401, An act relating to notice of tax sales.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted, and the bill was ordered to a third reading this afternoon at two o'clock.

Senator Noel, for the Committee on Engrossed Bills, to whom was referred:

House Bill No. 361, An act relative to fees for special permits to move objects or vehicles and loads.

Having considered the same, reported the same under Joint Rule No. 6, with the following amendment and recommended that the bill as amended ought to pass:

Amend section 1 of said bill by striking out the first six lines, and inserting in place thereof the following:

1. *Special Permits.* Amend chapter 119 of the Revised Laws by inserting after section 37-b as inserted by section 2, chapter 104 of the Laws of 1949, the following new section: 37-c. *Gross Weight.* Before any special permit authorized by section 37-b is issued, the commissioner of motor vehicles shall collect fees as follows:

On motion of Senator Otis the report was accepted, amendment adopted, and the bill as amended was sent to the House of Representatives for concurrence in Senate amendment.

Senator Noel, for the Committee on Engrossed Bills, to whom was referred:

House Bill No. 506, An act relating to turning movements by motor vehicles on public highways.

Having considered the same, reported the same, under Joint Rule No. 6, with the following amendment and recommended that the bill as amended ought to pass.

Amend section 1 of said bill by striking out the first three lines and inserting in place thereof the following:

1. *Operation of Motor Vehicles.* Amend chapter 119 of the Revised Laws by inserting after section 18 the following new sections: 18-a. *Turning Movements and Required Signals.*

Further amend said section 1 of the bill by striking out the figures "25B and 25C" and inserting in place thereof the figures, 18-b and 18-c,

On motion of Senator Noel the report was accepted, amendment adopted, and the bill as amended was sent to the House of Representatives for concurrence in Senate amendment.

Bills Engrossed

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled bills and joint resolution:

House Joint Resolution No. 33, Joint resolution in favor of the estate of Ross L. Piper.

Senate Bill No. 67, An act relating to manufacturer's permits.

Senate Bill No. 72, An act relating to winter maintenance of highways.

Senate Bill No. 81, An act relating to separate maintenance.

Senate Bill No. 92, An act to increase the borrowing power of the town of Pembroke.

Senate Bill No. 96, An act relative to allowance to widow from deceased husband's estate.

Senate Bill No. 98, An act relating to the Loan and Trust Savings Bank.

Senate Bill No. 103, An act relative to adjustments to taxpayers in the town school district in Bath.

Senate Bill No. 104, An act ratifying certain action taken by the school district of Pelham.

House Bill No. 105, An act relating to the taking of beaver.

House Bill No. 139, An act providing for annual reports by small loan licensees.

House Bill No. 207, An act relating to investments of savings banks.

House Bill No. 343, An act to provide for the registration of trade-marks, labels, brands, designs, devices, symbols and forms of advertisements.

House Bill No 442, An act relative to allotments of funds to towns for the maintenance of classified highways.

House Bill No. 503, An act legalizing the school district meeting held March 8, 1949 in Harrisville.

House Bill No. 504. An act relative to aliens.

House Bill No. 507, An act relative to motor vehicles traveling in line.

House Bill No. 508. An act defining the rights of pedestrians at cross walks.

House Bill No. 510. An act relative to exemptions from jury service for members of the general court, and delegates to a constitutional convention.

ALDEGE A. NOEL,
For the Committee.

Senator Spollett called for the special order, it being, House Bill No. 180, An act providing for the manufacture or sale of colored oleomargarine.

The question being on the adoption of the amendment offered by the committee as printed in the Journal of May 18th.

Senators Hartnett, Noel, Brunel, Butman and Ainsworth spoke in favor of the bill.

On a *viva voce* vote, the affirmative prevailed, and the amendment was adopted, and the bill as amended was ordered to a third reading this afternoon at two o'clock.

On motion of Senator Spollett the following resolution was adopted:

Resolved, That the rules be so far suspended as to permit all business in order for this afternoon at two o'clock to be made in order at the present time.

Third Readings

The following entitled bills and joint resolution were read a third time and passed:

Senate Bill No. 57, An act amending the charter of the city of Concord.

Senate Bill No. 100, An act in relation to municipal utilities.

Senate Bill No. 107, An act relative to fire emergencies of military origin.

Senate Bill No. 115, An act relating to the reconstruction and financing of the water works system of the Plymouth Village Fire District.

Senate Bill No. 122, An act relating to unemployment compensation benefits for national guard personnel.

Senate Bill No. 124, An act relative to lease receipts on land taken for flood control.

Senate Bill No. 128, An act ratifying certain action of the town of Whitefield relative to the so-called Morrison Hospital.

House Bill No. 180, An act providing for the manufacture or sale of colored oleomargarine.

House Bill No. 401, An act relating to notice of tax sales.

House Bill No. 428, (in new draft), An act relative to purchases by the purchasing agent.

House Bill No. 511, An act relative to itinerant retailers of tobacco products.

House Joint Resolution No. 3, Joint resolution extending the authority of the committee to investigate tax exemption laws.

On motion of Senator Butman the Senate adjourned.

WEDNESDAY, MAY 25, 1949

The Senate met according to adjournment.

House Message

The following message was received from the House of Representatives, by its Clerk:

Mr. President:

The House of Representatives has passed the following entitled bills, in the passage of which it asks the concurrence of the Honorable Senate:

House Bill No. 90, (in new draft and new title), An act amending provisions relative to road use tax on certain out of state vehicles.

House Bill No. 476, An act providing for the classification of certain surface waters.

The message further stated that the House of Representatives has voted to non-concur with the Honorable Senate in the passage of the following entitled bill and asks for a committee of conference:

House Bill No. 473, An act relating to appeals in municipal zoning matters, and the Speaker appointed as members on such committee on the part of the House Messrs. Laraba of Portsmouth, Turner of Keene and Sawyer of Concord.

On motion of Senator Reinhart, the Senate voted to accede to the request of the House of Representatives for a committee of conference on the above entitled bill and the President appointed as members of such committee on the part of the Senate, Senators Reinhart and Hartnett.

The message further stated that the House of Representatives has voted to concur with the Honorable Senate in its amendments to the following entitled bills:

House Bill No. 114, An act relative to retirement benefits under the firemen's retirement system.

House Bill No. 360, An act relating to certain tax exemptions of citizens who fought with allies of the United States.

The message further stated that the House of Representatives has voted to adopt the amendments offered by the Committee on Engrossed Bills, to the following House bills, in the adoption of which amendments the House of Representatives asks the concurrence of the Honorable Senate:

House Bill No. 107, An act relating to shooting human beings while hunting.

Amend section 1 of said bill by striking out the eleventh and twelfth lines and inserting in place thereof the following:

2. *Additional Penalties.* Amend chapter 241 of the Revised Laws by inserting after section 35 as hereinbefore amended the following new section: 35-a. Abandoning a

Further amend said bill by renumbering section 2 to read section 3.

Read and Referred

The following entitled bills, sent up from the House of Representatives, were read a first and second time and referred:

To the Committee on Transportation:

House Bill No. 90, (in new draft and new title), An act amending provisions relative to road use tax on certain out of state vehicles.

To the Committee on Public Health:

House Bill No. 476, An act providing for the classification of certain surface waters.

Committee Reports

Senator O'Malley, for the Committee on Finance, to whom was referred:

Senate Bill No. 111, An act relating to the superior court.

Having considered the same, reported the same with the following resolution:

Resolved, That it is inexpedient to legislate.

The report was accepted, and the recommendation of the committee was adopted.

Senator O'Malley, for the Committee on Finance, to whom was referred:

Senate Bill No. 130, An act relating to a cost of living bonus for state employees.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted, and the bill was ordered to a third reading this afternoon at two o'clock.

Senator Burbank, for the Committee on Education, to whom was referred:

House Bill No. 494, An act relative to non-resident students at the University of New Hampshire.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted, and the bill was ordered to a third reading this afternoon at two o'clock.

Senator Noel, for the Committee on Engrossed Bills, to whom was referred:

House Bill No. 488, An act to revise the charter of the city of Claremont.

Having considered the same, reported the same under Joint Rule No. 6, with the following amendment, and recommended that the bill as amended ought to pass.

Amend section 3 of said bill by striking out the word "city" in the fifth line.

Amend section 42 of said bill by inserting after the word "as" in the third line the words, shall arise from its use thereof, and,

Further amend said bill by striking out all of section 46 after the word "thereby."

Further amend said bill by inserting after section 46 the following new section:

47. *Repeal.* Sections 1, 2, 5, 7, 9, 10, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 69 of chapter 392 of the Laws of 1947 are hereby repealed and all other provisions of law inconsistent herewith are hereby repealed to the extent of such inconsistency.

Further amend said bill be renumbering sections 47 to 50 inclusive to read 48 to 51 inclusive.

On motion of Senator Bingham, the report was accepted, amendment adopted, and the bill as amended was sent to the House of Representatives for concurrence in Senate amendment.

On motion of Senator Spollett the following resolution was adopted:

Resolved, That the rules be so far suspended as to permit all business in order for this afternoon at two o'clock to be made in order at the present time.

Third Readings

The following entitled bills were read a third time and passed:

Senate Bill No. 130, An act relating to a cost of living bonus for state employees.

House Bill No. 494, An act relative to non-resident students at the University of New Hampshire.

Permission for use of the Senate Chamber was granted to Senator McMeekin for the Committee on Ways and Means to hold a public hearing on Thursday, May 26, one-half hour after adjournment.

On motion of Senator Butman the Senate adjourned.

THURSDAY, MAY 26, 1949

The Senate met according to adjournment.

House Message

The following message was received from the House of Representatives by its Clerk:

The House of Representatives has passed the following entitled bills, in the passage of which it asks the concurrence of the Honorable Senate:

House Bill No. 275, An act relative to non-resident fish and game licenses.

House Bill No. 278, An act relative to taking striped bass, and prohibiting the sale of oysters from certain waters.

House Bill No. 517, An act relative to the administration of the unemployment compensation law.

House Bill No. 522, An act authorizing the Tilton and Northfield Union School District to issue notes for the payment of an operational deficit for the year 1948-1949 and validating procedures of the annual district meeting on March 9, 1949.

House Bill No. 524, An act relative to the salaries of the commissioners of Rockingham county.

The message further stated that the House of Representatives had voted to concur with the Honorable Senate in the passage of the following entitled bills, sent down from the Honorable Senate:

Senate Bill No. 93, An act relating to the municipal budget law and the duties of officials thereunder.

Senate Bill No. 105, An act relative to the state racing commission and rules and regulations of said commission.

Senate Bill No. 116, An act relative to crude petroleum.

The message further stated that the House of Representatives had voted to concur with the Honorable Senate in its adoption of the amendments offered by the Committee on Engrossed Bills to the following entitled bills:

House Bill No. 361, (in new draft and new title), An act relative to fees for special permits to move objects or vehicles and loads.

House Bill No. 506, An act relating to turning movements by motor vehicles on public highways.

The message further stated that the House of Representatives had voted to concur with the Honorable Senate in its amendments to the following entitled bills:

House Bill No. 180, An act providing for the manufacture or sale of colored oleomargarine.

House Bill No. 250, An act relating to the use of the names of natural parents of adopted children in certain cases.

House Bill No. 428, (in new draft), An act relative to purchases by the purchasing agent.

The message further stated that the House of Representatives had voted to adopt the amendments offered by the Committee on Engrossed Bills, to the following House bills, in the adoption of which amendments the House of Representatives asked the concurrence of the Honorable Senate:

House Bill No. 180, An act providing for the manufacture or sale of colored oleomargarine.

Amend section 4 of said bill by inserting after the figure "4" the following: *Prohibitions*. Amend section 47 of chapter 194 of the Revised Laws by striking out said section and inserting in place thereof the following: 47. *Serving Colored Oleomargarine*.

On motion of Senator Otis the Senate voted to concur in the adoption of the amendment offered by the Committee on Engrossed Bills, sent up from the House of Representatives.

Read and Referred

The following entitled bills, sent up from the House of Representatives, were read a first and second time and referred:

To the Committee on Fisheries and Game:

House Bill No. 275, An act relative to non-resident fish and game licenses.

House Bill No. 278, An act relative to taking striped bass and prohibiting the sale of oysters from certain waters.

To the Committee on Labor:

House Bill No. 517, An act relative to the administration of the unemployment compensation law.

To the Committee on Judiciary:

House Bill No. 522, An act authorizing the Tilton and Northfield Union School District to issue notes for the pay-

ment of an operational deficit for the year 1948-1949 and validating procedures of the annual district meeting on March 9, 1949.

House Bill No. 524, An act relative to the salaries of the commissioners of Rockingham county.

Introduction of Bills

The Committee on Rules introduced the following entitled bills, which were read a first and second time, laid upon the table to be printed and referred:

To the Committee on Judiciary:

Senate Bill No. 131, An act relative to partition proceedings.

Senate Bill No. 133, An act providing for mutual aid service in connection with fires.

Senate Bill No. 138, An act relating to highways.

To the Committee on Finance:

Senate Bill No. 132, An act relating to youth federal aid program.

To the Committee on Fisheries and Game, Forestry and Recreation:

Senate Bill No. 134, An act relative to bounties on porcupines.

To the Committee on Public Works:

Senate Bill No. 135, An act relative to the Incorporation of Granite Lodge No. 1056, Loyal Order of Moose of Berlin, New Hampshire.

Senate Bill No. 136, An act relating to tolls by municipal utilities.

Senate Bill No. 137, An act relative to rights of village districts to collect garbage.

President Bass made the following announcement:

Notice on Introduction of New Bills

The Rules Committee earnestly asks the co-operation of all senators in not proposing any new bill henceforth, unless in his or her opinion, after careful consideration, the bill is both of an emergency nature and is non-controversial.

With so much unfinished business and so many controversial measures still in both House and Senate, the com-

mittee feels that the time has come when the continued introduction of new bills must be greatly reduced if we are to hope for final adjournment within the not too distant future.

After Tuesday, May 31, the committee will carefully screen all proposed new bills, introducing only those which in its opinion are so important as to be of an emergency nature, and will be compelled to oppose the introduction of any new bill after May 31, which in its opinion is not of an emergency nature.

PERKINS BASS,
ARTHUR J. REINHART,
THOMAS B. O'MALLEY,
Rules Committee.

Committee Reports

Senator Caron, for the Committee on Liquor Laws, to whom was referred:

House Bill No. 283, An act relating to licenses for hotels.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted.

Senator Daniels offered the following amendment, and moved its adoption:

Amend House Bill No. 283 by striking out section 3, and adding in place thereof the following:

3. *Retail Sales.* Amend chapter 170 of the Revised Laws by adding sections 55A and 55B after section 55, as follows:

55A. *Sales Under License or Permit.* All retail sales of liquors sold under any license issued or granted by the liquor commission and all beverages sold under any permit issued or granted by said commission shall be taxed at the rate of five per cent of the sales price including the cost of any mixers or ingredients added or to be added before consumption, and no sale shall be taxed less than one cent regardless of price.

55B. *Collection.* The Liquor Commission shall have authority to set up such reasonable rules and regulations as it shall deem necessary to collect said liquor and beverage taxes provided in 55A to be paid by it into the sinking funds of the

State. It may collect said taxes from manufacturer, wholesaler, or retailer, as it may deem best.

4. *Takes Effect.* This act shall take effect thirty days after its passage.

The Clerk read the amendment to the membership of the Senate.

The Chair ruled that the introduction of the amendment was out of order, and gave as a reason that it is a revenue measure and is contrary to the Constitution of the State of New Hampshire.

Senator Daniell appealed the decision of the Chair.

(Discussion ensued)

Senators Daniell and Noel spoke in favor of the appeal.

Senator Reinhart moved the previous question, it being, Shall the main question now be put?

Senator Reinhart withdrew his motion.

(Discussion ensued)

Senator Bingham spoke in favor of the appeal.

Senator Reinhart spoke in opposition to the appeal.

The President declared a recess.

Recess

The Senate re-assembled.

Senator Daniell withdrew his appeal from the decision of the Chair.

The President withdrew his ruling in regard to the introduction of the amendment.

On motion of Senator Hartnett, the above entitled bill and its accompanying amendment was laid on the table to be printed, and made a special order of business for Tuesday, May 31, at 11:01 A. M.

Senator Lalumiere, for the Committee on Public Welfare and State Institutions, to whom was referred:

House Bill No. 449, An act relative to the emotionally or mentally ill.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted, and the bill was ordered to a third reading this afternoon at two o'clock.

Senator Spollett, for the Committee on Public Works, to whom was referred:

House Bill No. 113, An act relating to the surveyor of the city of Manchester.

House Bill No. 282, An act for aid in the development of the port of Portsmouth.

House Bill No. 474, An act relative to state bridge aid.

House Bill No. 258, An act relative to maintenance of recreational roads.

Having considered the same, reported the same without amendment, and recommended their passage.

The reports were accepted, and the bills were ordered to a third reading this afternoon at two o'clock.

Senator Spollett, for the Committee on Public Works, to whom were referred:

House Bill No. 495, An act relating to the appointment of a special consultant to the highway commissioner.

House Bill No. 496, An act relating to the appointment of assistant highway commissioners and a chief engineer.

Having considered the same, reported the same without amendment, and recommended its passage.

The reports were accepted, and the above entitled bills were referred to the Committee on Finance under the rules.

Senator Caron, for the Committee on Public Health, to whom was referred:

House Bill No. 245, An act relative to communicable diseases.

Having considered the same, reported the same with the following amendment, and recommended that the bill as amended ought to pass:

Amend the bill by inserting after section 11 the following new section:

12. *Mode of Treatment.* Nothing in this act shall be construed to empower or authorize a Health Officer or his designated agent to restrict in any manner the individual's right to select the mode of treatment of his choice nor to require any physical examination or medical treatment of a

patient who in good faith relies upon spiritual means or prayer for healing, nor shall such reliance or treatment be considered a danger or menace to others under any provisions of this act, provided that the sanitary and quarantine laws, rules and regulations relating to infectious, contagious and communicable diseases are complied with.

Further amend by renumbering section 12 to read section 13.

The report was accepted, amendment adopted, and the bill as amended was ordered to a third reading this afternoon at two o'clock.

Senator Caron, for the Committee on Public Health, to whom was referred:

House Bill No. 476, An act providing for the classification of certain surface waters.

Having considered the same, reported the same with the following amendment, and recommended that the bill as amended ought to pass.

Amend said bill by striking out section 2 and inserting in place thereof the following:

2. *Amendment.* Amend chapter 166-A of the Revised Laws as inserted by chapter 183, Laws of 1947, by inserting after section 4 the following new section: 4-a. *State Guarantee.* In view of the general public benefits resulting from the elimination of pollution from the public waters of the state, the governor and council are authorized in the name of the state of New Hampshire to guarantee unconditionally, but at no time in excess of the total aggregate sum for the entire state of five million dollars (\$5,000,000), the payment of all or any portion, as they may find to be in the public interest, of the principal of and interest on any bonds or notes issued by any municipality, town, city, county, or district for construction of sewage systems, sewage treatment and disposal plants, or other facilities necessary, required or desirable for pollution control, and the full faith and credit of the state are pledged for any such guarantee. The state's guarantee shall be endorsed on such bonds or notes by the state treasurer; and all notes or bonds issued with state guarantee shall be sold (1) at public sealed bidding, (2) after publication of advertisement for bids (3) to the highest bidder. Any and all such bids

may be rejected and a sale may be negotiated with the highest bidder. In the event of default in payment of any such notes or bonds, the state may recover any losses suffered by it by action against the town as provided in chapter 402 of the Revised Laws.

The report was accepted, amendment adopted, and the bill as amended was ordered to a third reading this afternoon at two o'clock.

The President declared a recess.

Recess

The Senate re-assembled.

Senator Wiggin, for the Committee on Fisheries and Game, Forestry and Recreation, to whom were referred:

Senate Bill No. 108, An act relative to the operation of Bear Brook State Park.

House Bill No. 286, An act relating to the Atlantic States Marine Fisheries Committer.

Having considered the same, reported the same without amendment, and recommended their passage.

The reports were accepted, and the bills were ordered to a third reading this afternoon at two o'clock.

Senator Wiggin, for the Committee on Fisheries and Game, Forestry and Recreation, to whom was referred:

House Bill No. 498, An act relating to forest fires.

Having considered the same, reported the same without amendment and recommended its passage.

The report was accepted.

On motion of Senator Noel the above entitled bill was referred to the Committee on Finance.

Senator Lalumiere, for the Committee on Transportation, to whom was referred:

House Bill No. 509, An act relating to restricted instruction permit for motor vehicle operators.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted, and the bill was ordered to a third reading this afternoon at two o'clock.

Senator Noel, for the Committee on Engrossed Bills, to whom was referred:

Senate Bill No. 81, An act relating to separate maintenance.

Having considered the same, reported the same under Joint Rule No. 6, with the following amendments, and recommended that the bill as amended ought to pass:

Amend section 2 of said bill by striking out the same and inserting in place thereof the following:

2. *Separate Maintenance.* Amend section 29 of chapter 339 of the Revised Laws by striking out the same and inserting in place thereof the following: 29. *Orders for Support.* Whenever either party is insane, or whenever a cause is in existence which is, or if continued will be, a cause for divorce, the superior court, upon petition and such procedure thereon as in divorce cases, may restrain either party from interfering with the personal liberty of the other and from entering the tenement wherein the other resides, may grant temporarily or permanently the custody, care, education and maintenance of their minor children, if any, and may make reasonable allowance for support, all subject to such limitations and conditions as the court shall deem just.

Further amend said bill by adding at the end thereof the following:

3. *Takes Effect.* This act shall take effect upon its passage.

The report was accepted.

The President declared a recess.

Recess

The Senate re-assembled.

On motion of Senator Hartnett the above entitled bill and its accompanying amendment was laid on the table to be printed in the Journal.

Senator Noel, for the Committee on Engrossed Bills, to whom was referred:

House Bill No. 401, An act relating to notice of tax sales.

Having considered the same, reported the same under

Joint Rule No. 6 with the following amendment, and recommended that the bill as amended ought to pass:

Amend section 1 of said bill by striking out the first three lines and inserting in place thereof the following:

1. *Tax Sales.* Amend chapter 80 of the Revised Laws by inserting after section 26 the following new section: 26-a. *Real Estate Subject to Liens for Old Age Assistance.* No tax sale of real estate upon which there is a

The report was accepted, amendment adopted, and the bill as amended was sent to the House of Representatives for concurrence in Senate amendment.

Bills Engrossed

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled resolutions and bills:

Concurrent resolution memorializing Congress urging passage of a Senate bill relating to multiple sclerosis and related neurological diseases.

House Joint Resolution No. 3, Joint resolution providing for a committee to investigate tax exemption laws.

House Bill No. 114, An act relative to retirement benefits under the firemen's retirement system.

House Bill No. 466, An act relative to legal length of motor busses.

ALDEGE A. NOEL,
For the Committee.

On motion of Senator Spollett the following resolution was adopted:

Resolved, That the rules be so far suspended as to permit all business in order for this afternoon at two o'clock to be made in order at the present time.

Third Readings

The following entitled bills were read a third time and passed:

Senate Bill No. 108, An act relative to the operation of Bear Brook State Park.

House Bill No. 113, An act relating to the surveyor of the city of Manchester.

House Bill No. 245, An act relative to communicable diseases.

House Bill No. 258, An act relative to maintenance of recreational roads.

House Bill No. 282, An act for aid in the development of the port of Portsmouth.

House Bill No. 286, An act relating to the Atlantic States Marine Fisheries Commission.

House Bill No. 449, An act relative to the emotionally or mentally ill.

House Bill No. 474, An act relative to state bridge aid.

House Bill No. 476, An act providing for the classification of certain surface waters.

House Bill No. 509, An act relating to restricted instruction permit for motor vehicle operators.

On motion of Senator Tarlson the following resolution was adopted:

Resolved, That when the Senate adjourns today it be to meet Tuesday morning at 11:00 o'clock.

On motion of Senator Butman the Senate adjourned.

TUESDAY, MAY 31, 1949

The Senate met according to adjournment.

House Message

The following message was received from the House of Representatives, by its Clerk:

The House of Representatives has passed the following entitled bills, in the passage of which it asks the concurrence of the Honorable Senate:

House Bill No. 182, An act relative to division of the state for taking wild deer.

House Bill No. 198, An act relating to the taking of deer by bow and arrow.

House Bill No. 377, An act relative to the charter of the city of Dover.

House Bill No. 512, An act relative to the charter of the city of Dover.

House Bill No. 519, An act increasing fees paid to the Secretary of State for corporation and partnership registrations, licenses, engrossing private acts, election recounts and miscellaneous documents.

The message further stated that the House of Representatives has voted to adopt the amendments offered by the Committee on Engrossed Bills, to the following House bills, in the adoption of which amendments the House of Representatives asks the concurrence of the Honorable Senate:

House Bill No. 180, An act providing for the manufacture or sale of colored oleomargarine.

Amend section 4 of said bill by inserting after the figure "4" the following: *Prohibition.*

Amend section 47 of chapter 194 of the Revised Laws by striking out said section and inserting in place thereof the following: 47. *Serving Colored Oleomargarine.*

On motion of Senator Otis the Senate voted to concur in the adoption of the amendments to the above entitled bill offered by the Committee on Engrossed Bills, sent up from the House of Representatives.

Read and Referred

The following entitled bills, sent up from the House of Representatives, were read a first and second time and referred:

To the Committee on Fisheries and Game, Forestry and Recreation:

House Bill No. 182, An act relative to division of the state for taking wild deer.

House Bill No. 198, An act relating to the taking of deer by bow and arrow.

To the Committee on Judiciary:

House Bill No. 377, An act relative to the charter of the city of Dover.

House Bill No. 512, An act relative to the charter of the city of Dover.

To the Committee on Ways and Means:

House Bill No. 519, An act increasing fees paid to the Secretary of State for corporation and partnership registrations, licenses, engrossing private acts, election recounts and miscellaneous documents.

Introduction of Bill and Joint Resolution

The Committee on Rules introduced the following Senate bill and Senate joint resolution which were read a first and second time, laid on the table to be printed, and referred:

To the Committee on Judiciary:

Senate Bill No. 139, An act relative to the zoning powers of the Rye Water District.

To the Committee on Finance:

Senate Joint Resolution No. 18, Joint resolution to establish an interim commission to study the present motor vehicle financial responsibility law.

Committee Reports

Senator Wiggin, for the Committee on Fisheries and Game, Forestry and Recreation, to whom was referred:

Senate Bill No. 110, An act relative to employees of the Fish and Game Department.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted, and the bill was ordered to a third reading this afternoon at two o'clock.

Senator O'Malley, for the Committee on Finance, to whom was referred:

Senate Bill No. 78, An act relative to low rent housing.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted, and the bill was ordered to a third reading this afternoon at two o'clock.

Senator Bingham, for the Committee on Labor, to whom was referred:

House Bill No. 481, An act relative to merit ratings under the unemployment compensation system.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted, and the bill was ordered to a third reading this afternoon at two o'clock.

Senator Noel, for the Committee on Ways and Means, to whom was referred:

House Bill No. 99, An act to increase the salaries of the assessors of the City of Concord.

Having considered the same, reported the same without amendment and recommended its passage.

The report was accepted, and the bill was ordered to a third reading this afternoon at two o'clock.

Senator Bingham, for the Committee on Judiciary, to whom was referred:

House Bill No. 414, An act providing a council-manager plan charter for the city of Concord.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted.

On motion of Senator Brunel the following amendment was adopted.

Amend section 21 of the bill by striking out the words "two overseers of the poor," and inserting in place thereof the words, one overseer of the poor for Wards 2-9 inclusive, one overseer of the poor for Ward 1, so that said section as amended shall read:

21. *Appointive Officers.* There shall be appointed by the manager, three assessors, a city clerk, treasurer, police chief, fire chief, city solicitor, one overseer of the poor for Wards 2-9 inclusive, one overseer of the poor for Ward 1, and such other officers as are necessary to administer all departments which the council shall establish, which departments shall replace all existing departments, boards and commissions. The powers and duties of these officers and heads of departments so appointed shall be those prescribed by state law, by this charter, or by ordinance.

The bill as amended was ordered to a third reading this afternoon at two o'clock.

Senator Bingham, for the Committee on Judiciary, to whom was referred:

House Bill No. 501, An act to revise the charter of the city of Concord.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted.

On motion of Senator Brunel the following amendment was adopted:

Amend paragraph 1 of section 19 of the bill by striking out the words "two overseers of the poor," and inserting in place thereof the words, one overseer of the poor for Wards 2-9 inclusive, one overseer of the poor for Ward 1; so that said paragraph as amended shall read:

19. *Appointive Officers.* The mayor shall appoint a business administrator, a city clerk, a treasurer, three assessors, a fire chief, a health officer, a city solicitor, one overseer of the poor for Wards 2-9 inclusive, one overseer of the poor for Ward 1, and such other officers as may be necessary to administer all departments which the board of aldermen shall establish.

The bill as amended was ordered to a third reading this afternoon at two o'clock.

Senator Bingham, for the Committee on Judiciary, to whom was referred:

House Bill No. 400, An act to revise the charter of the city of Franklin.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted, and the bill was ordered to a third reading this afternoon at two o'clock.

Senator Bingham, for the Committee on Judiciary, to whom was referred:

House Bill No. 434, An act providing for the adoption of a council-manager form of government for the city of Manchester.

Having considered the same, reported the same with the following resolution:

Resolved, That it is inexpedient to legislate.

Senator Wiggin moved, that the words ought to pass, be substituted for the words inexpedient to legislate.

(Discussion ensued)

Senators Hartnett and Dole spoke in favor of the motion, and Senator Lalumiere spoke in opposition to the motion to substitute.

Senator Daniell moved that the bill be re-committed to the committee for further consideration.

The President declared a recess.

Recess

The Senate re-assembled.

Senators Reinhart, O'Malley, Caron and Noel spoke in opposition to the motion to re-commit.

The question being stated, Shall the bill be recommitted to the committee?

On a *viva voce* vote the negative prevailed and the motion to recommit was lost.

The question now being on the motion to substitute the words, ought to pass, for the words, inexpedient to legislate.

Senators Noel, Bingham, McMeekin and Daniell spoke in opposition to the motion to substitute.

Senator Caron moved the previous question, it being, Shall the main question now be put?

On a *viva voce* vote the affirmative prevailed.

The question being on the adoption of the motion to substitute the words, ought to pass, for the words, inexpedient to legislate, and on that question Senator Otis demanded a roll call.

The Clerk proceeded to call the roll.

The following named senators voted in the affirmative: Senators Nickerson, Dole, Pierce, Wiggin, Otis, Hartnett, and Reinhart.

The following named senators voted in the negative: Senators Hayes, C. Cummings, McMeekin, Tarlson, Daniell, Ainsworth, Brunel, E. Cummings, Noel, Bingham, Caron, O'Malley, Lalumiere, Burbank, Butman, and Spollett.

Seven senators having voted in the affirmative and sixteen senators having voted in the negative, the negative prevailed and the motion to substitute was lost.

The question now being on the adoption of the resolution offered by the committee, inexpedient to legislate.

On a *viva voce* vote the affirmative prevailed, and the resolution offered by the committee was adopted.

Senator Noel, for the Committee on Engrossed Bills, to whom was referred:

Senate Bill No. 81, An act relating to separate maintenance.

Having considered the same, reported the same, under Joint Rule No. 6, with the following amendment and recommended that the bill as amended ought to pass.

Amend section 2 of said bill by striking out the same and inserting in place thereof the following:

2. *Separate Maintenance.* Amend section 29 of chapter 339 of the Revised Laws by striking out the same and inserting in place thereof the following: 29. *Orders for Support.* Whenever either party is insane, or whenever a cause is in existence which is, or if continued will be, a cause for divorce, the superior court, upon petition and such procedure thereon as in divorce cases, may restrain either party from interfering with the personal liberty of the other and from entering the tenement wherein the other resides, may grant temporarily or permanently the custody, care, education and maintenance of their minor children, if any, and may make reasonable allowance for support, all subject to such limitations and conditions as the court shall deem just.

Further amend said bill by adding at the end thereof the following:

3. *Takes Effect.* This act shall take effect upon its passage.

On motion of Senator Noel the report was accepted, amendment adopted, and the bill as amended was sent to the House of Representatives for concurrence in Senate amendment.

Bills Engrossed

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled bills:

Senate Bill No. 93, An act relating to the municipal budget law and the duties of officials thereunder.

Senate Bill No. 105, An act relative to the state racing commission and rules and regulations of said commission.

House Bill No. 107, An act relating to shooting human beings while hunting.

House Bill No. 113, An act relating to the surveyor of the city of Manchester.

Senate Bill No. 116, An act relative to crude petroleum.

Senate Bill No. 118, An act defining "highway building equipment" under the motor vehicle laws.

House Bill No. 180, An act providing for the manufacture or sale of colored oleomargarine.

House Bill No. 258, An act relative to maintenance of recreational roads.

House Bill No. 282, An act for aid in the development of the port of Portsmouth.

House Bill No. 361, An act relative to fees for special permits to move objects or vehicles and loads.

House Bill No. 449, An act relative to the emotionally or mentally ill.

House Bill No. 494, An act relative to non-resident students at the University of New Hampshire.

House Bill No. 474, An act relative to state bridge aid.

House Bill No. 506, An act relating to turning movements by motor vehicles on public highways.

House Bill No. 509, An act relating to restricted instruction permit for motor vehicle operators.

ALDEGE A. NOEL,
For the Committee.

Senator Daniell called for the special order, it being, House Bill No. 283, An act relating to licenses for hotels.

The question being on the adoption of the report of the committee.

Senator Daniell moved that the above entitled bill be re-committed to the Committee on Liquor Laws.

On a *viva voce* vote, the negative prevailed, and the motion to recommit was lost.

The question now being on the adoption of the report of the committee.

Senator Daniell offered the following amendment and moved its adoption:

Amend House Bill No. 283 by striking out section 3, and adding in place thereof the following:

3. *Retail Sales.* Amend chapter 170 of the Revised Laws by adding sections 55A and 55B after section 55, as follows:

55A. *Sales Under License or Permit.* All retail sales of liquors sold under any license issued or granted by the liquor commission and all beverages sold under any permit issued or granted by said commission shall be taxed at the rate of five per cent of the sales price including the cost of any mixers or ingredients added or to be added before consumption, and no sale shall be taxed less than one cent regardless of price.

55B. *Collection.* The Liquor Commission shall have authority to set up such reasonable rules and regulations as it shall deem necessary to collect said liquor and beverage taxes provided in 55A to be paid by it into the sinking funds of the State. It may collect said taxes from manufacturer, wholesaler, or retailer, as it may deem best.

4. *Takes Effect.* This act shall take effect thirty days after its passage.

The President renewed his ruling that the amendment was out of order under section 18 of the Constitution. The President stated that he felt very strongly that a very dangerous precedent was being set up if he allowed the introduction and adoption of this amendment.

Senator Daniell appealed from the decision of the Chair.

Senator McMeekin spoke in opposition to the introduction of the amendment.

The question being stated, Shall the ruling of the Chair be sustained?

And on this question Senator Daniell demanded a roll call.

The Clerk proceeded to call the roll.

The following named senators voted in the affirmative: Senators Hayes, C. Cummings, McMeekin, Nickerson, Dole, Tarlson, Ainsworth, Brunel, Pierce, E. Cummings, Noel, Wiggin, Otis, Bingham, Caron, O'Malley, Lalumiere, Burbank, Hartnett, Butman and Spollett.

The following named Senator voted in the negative: Senator Daniell.

Twenty-one senators having voted in the affirmative, and one senator having voted in the negative, the affirmative prevailed and the decision of the Chair was sustained.

The bill was now on its second reading and open to amendment.

No amendment being offered, the question now was, Shall the bill be read a third time?

On a *viva voce* vote the Chair was in doubt.

Senator Noel requested a division.

Seventeen senators having voted in the affirmative, and five senators having voted in the negative, the affirmative prevailed and the bill was ordered to a third reading this afternoon at two o'clock.

Reconsideration

Senator Noel moved that the Senate reconsider its vote whereby it voted House Bill No. 434, An act providing for the adoption of a council-manager form of government for the city of Manchester, inexpedient to legislate.

On a *viva voce* vote the negative prevailed, and the motion to reconsider was lost.

Bill Recalled from the Governor

On motion of Senator McMeekin the following resolution was adopted:

Resolved, That His Excellency, the Governor, be requested to return to the Senate for further consideration, House Bill No. 511, An act relative to itinerant retailers of tobacco products.

Bill Returned from the Governor

Pursuant to the above request, His Excellency, the Governor, returned to the Senate for further consideration, the above entitled bill.

On motion of the same senator the Senate voted to suspend the rules to allow a reconsideration of the vote on House Bill No. 511, An act relative to itinerant retailers of tobacco products.

On motion of the same senator the Senate voted to reconsider its vote whereby the bill passed.

On motion of the same senator the Senate voted to reconsider its vote whereby the bill was ordered to a third reading.

On motion of the same senator the bill was recommitted to the Committee on Ways and Means.

On motion of Senator Spollett the following resolution was adopted:

Resolved, That the rules be so far suspended as to permit all business in order for this afternoon at two o'clock to be made in order at the present time.

Third Readings

The following entitled bills were read a third time and passed:

Senate Bill No. 78, An act relative to low rent housing.

Senate Bill No. 110, An act relative to employees of the Fish and Game Department.

House Bill No. 99, An act to increase the salaries of the assessors of the City of Concord.

House Bill No. 283, An act relating to licenses for hotels.

House Bill No. 400, An act to revise the charter of the City of Franklin.

House Bill No. 414, An act providing a council manager plan charter for the City of Concord.

House Bill No. 481, An act relative to merit ratings under the unemployment compensation system.

House Bill No. 501, An act to revise the charter of the City of Concord.

Senator Pierce moved that the Senate reconsider its vote whereby it passed House Bill No. 283, An act relating to licenses for hotels.

On a *viva voce* vote, the negative prevailed, and the motion to reconsider was lost.

On motion of Senator Butman the Senate adjourned.

WEDNESDAY, JUNE 1, 1949

The Senate met according to adjournment.

Leaves of Absence

Senators Burbank, E. Cummings and Brunel were granted leaves of absence on account of important business.

House Message

The following message was received from the House of Representatives, by its Clerk:

Mr. President:

The House of Representatives has passed the following entitled bills and joint resolutions, in the passage of which it asks the concurrence of the Honorable Senate:

House Bill No. 162, An act relative to payments for flood control.

House Bill No. 424, (in new draft), An act relative to registration of outboard motors.

House Joint Resolution No. 13, Joint resolution in favor of Samuel W. Tenofsky.

House Joint Resolution No. 31, Joint resolution in favor of Alfred M. Jenness.

The message further stated that the House of Representatives has voted to concur with the Honorable Senate in the passage of the following entitled bill and joint resolutions, sent down from the Honorable Senate:

Senate Joint Resolution No. 6, Joint resolution in favor of Benjamin F. Greer.

Senate Joint Resolution No. 17, Joint resolution in favor of Luigi Cilli.

Senate Bill No. 8, (in new draft), An act in amendment of the laws relative to the Union School District in Concord.

Read and Referred

The following entitled bills and joint resolution sent up from the House of Representatives, were read a first and second time and referred:

To the Committee on Finance:

House Bill No. 162, An act relative to payments to towns for flood control.

House Joint Resolution No. 13, Joint resolution in favor of Samuel W. Tenofsky.

House Joint Resolution No. 31, Joint resolution in favor of Alfred M. Jenness.

To the Committee on Transportation:

House Bill No. 424 (in new draft), An act relative to registration of outboard motors.

Committee Reports

Senator Spollett, for the Committee on Public Works, to whom were referred:

Senate Bill No. 135, An act relative to the incorporation of Granite Lodge No. 1056, Loyal Order of Moose of Berlin, New Hampshire.

Senate Bill No. 137, An act relative to the rights of village districts to collect garbage.

Having considered the same, reported the same without amendment, and recommended their passage.

The reports were accepted, and the bills were ordered to a third reading this afternoon at two o'clock.

Senator Wiggin, for the Committee on Fisheries and Game, Forestry and Recreation, to whom was referred:

Senate Bill No. 134, An act relative to bounties on porcupines.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted, and the bill was ordered to a third reading this afternoon at two o'clock.

Senator Wiggin, for the Committee on Fisheries and Game, Forestry and Recreation, to whom was referred:

House Bill No. 278, An act relating to the taking of striped bass, and prohibiting the sale of oysters from certain waters.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted.

Senator Spollett offered the following amendment and moved its adoption:

Amend the bill by striking out section 2 thereof.

Further amend the bill by renumbering sections 3 and 4 to read sections 2 and 3.

(Discussion ensued)

Senator Spollett spoke in favor of the adoption of the amendment.

Senator Ainsworth spoke in opposition to the adoption of the amendment.

The question being stated, Shall the amendment be adopted?

On a *viva voce* vote, the Chair was in doubt and requested a division.

Ten senators having voted in the affirmative, and eight senators having voted in the negative, the affirmative prevailed, the amendment was adopted, and the bill as amended was ordered to a third reading this afternoon at two o'clock.

Senator Bingham, for the Committee on Judiciary, to whom were referred:

House Bill No. 524, An act relative to the salaries of the commissioners of Rockingham County.

Senate Bill No. 131, An act relative to partition proceedings.

Having considered the same, reported the same without amendment, and recommended their passage.

The reports were accepted, and the bills were ordered to a third reading this afternoon at two o'clock.

Senator Bingham, for the Committee on Judiciary, to whom was referred:

Senate Bill No. 133, An act providing for mutual aid service in connection with fires.

Having considered the same, reported the same with the following amendment, and recommended that the bill as amended ought to pass:

Amend section 1 of the bill, sub-section 22, by inserting in the fourth line, following the word "district," the words, with-in or without the state; so that said sub-section as amended shall read as follows:

22. *Outside Service by Local Fire Department.* Any city, town, village or fire district may vote to authorize their

respective fire department to go to the aid of another city, town, village or fire district within or without the state, for the purpose of extinguishing fires therein.

The report was accepted, amendment adopted, and the bill as amended was ordered to a third reading this afternoon at two o'clock.

Bills Engrossed

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled bill:

House Bill No. 428, An act relative to purchases by the purchasing agent.

ALDEGE A. NOEL,
For the Committee.

On motion of Senator Spollett the following resolution was adopted:

Resolved, That the rules be so far suspended as to permit all business in order for this afternoon at two o'clock to be made in order at the present time.

Third Readings

The following entitled bills were read a third time, and passed:

Senate Bill No. 131, An act relative to partition proceedings.

Senate Bill No. 133, An act providing for mutual aid service in connection with fires.

Senate Bill No. 134, An act relative to bounties on porcupines.

Senate Bill No. 135, An act relative to the incorporation of Granite Lodge No. 1056, Loyal Order of Moose of Berlin, New Hampshire.

Senate Bill No. 137, An act relative to rights of village districts to collect garbage.

House Bill No. 278, An act relating to the taking of striped bass, and prohibiting the sale of oysters from certain waters.

House Bill No. 524, An act relative to the salaries of the commissioners of Rockingham County.

Permission for use of the Senate Chamber was granted to Senator Hartnett, for the Committee on Judiciary to hold a public hearing on Wednesday, June 8, after the morning session.

Permission for use of the Senate Chamber was granted to Senator McMeekin, for the Committee on Ways and Means to hold a public hearing Thursday, June 2, one-half hour after adjournment.

On motion of Senator Butman the Senate adjourned.

THURSDAY, JUNE 2, 1949

The Senate met according to adjournment with Senator Reinhart presiding.

House Message

The following message was received from the House of Representatives by its Clerk:

Mr. President:

The House of Representatives has passed the following entitled bill in the passage of which it asks the concurrence of the Honorable Senate:

House Bill No. 399, (in new draft and with new title), An act relating to minimum wages for certain employees.

The message further stated that the House of Representatives has voted to sustain the Governor's veto of the following entitled bill:

House Bill No. 466, An act relative to the legal length of motor busses.

The message further stated that the House of Representatives concurs with the Honorable Senate in the passage of the following joint resolution with amendments, in the passage of which amendments the House of Representatives asks the concurrence of the Honorable Senate:

Senate Joint Resolution No. 13, Joint resolution in favor of Blanche B. Couture.

Amend the resolution by adding after the figures "1948," and said sum shall be in full settlement of said claim, so that the resolution as amended shall read as follows:

That the sum of twenty-five hundred dollars (\$2500) is hereby appropriated to compensate Blanche B. Couture of Nashua, New Hampshire, for personal injuries to wit, a compound fracture of the right ankle, including the pain and suffering and for expenses of hospital, medical and nursing care in connection therewith, caused by a defectively supported step in the Franconia Notch Reservation, to wit, in the Flume Gorge, so-called, on October 9, 1948, and said sum shall be in full settlement of said claim. The governor is hereby authorized to draw his warrant for the sum hereby appropriated out of any money in the treasury not otherwise appropriated.

On motion of Senator Noel, the Senate voted to concur with the amendments to the above captioned joint resolution, sent up from the House of Representatives.

The message further stated that the House of Representatives has voted to recall from His Excellency, the Governor, for further consideration the following entitled bill:

House Bill No. 361, An act relating to fees on motor vehicles of heavy weight,

Read and Referred

The following entitled bill, sent up from the House of Representatives, was read a first and second time, and referred:

To the Committee on Labor:

House Bill No. 399 (in new draft and with new title), An act relating to minimum wages for certain employees.

Committee Reports

Senator O'Malley, for the Committee on Finance, to whom were referred:

House Bill No. 495, An act relating to the appointment of a special consultant to the highway commissioner.

House Bill No. 496, An act relating to the appointment of assistant highway commissioners and a chief engineer.

Having considered the same, reported the same without amendment, and recommended their passage.

The reports were accepted, and the bills were ordered to a third reading this afternoon at two o'clock.

Senator O'Malley, for the Committee on Finance, to whom was referred:

Senate Bill No. 132, An act relating to youth federal aid program.

Having considered the same, reported the same with the following resolution:

Resolved, That it is inexpedient to legislate, the subject matter being covered by other legislation.

The report was accepted, and the recommendation of the committee was adopted.

Senator Bingham, for the Committee on Judiciary, to whom was referred:

House Bill No. 522, An act authorizing the Tilton and Northfield Union School District to issue notes for the payment of an operational deficit for the year 1948-1949, and validating proceedings of the annual district meeting on March 9, 1949.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted, and the bill was ordered to a third reading this afternoon at two o'clock.

Senator Daniell spoke briefly in regard to the passage of the above entitled bill.

Senator Wiggin, for the Committee on Transportation, to whom was referred:

House Bill No. 90 (in new draft and with new title), An act amending provisions relative to road use tax on certain out of state vehicles.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted, and the bill was ordered to a third reading this afternoon at two o'clock.

Senator Wiggin, for the Committee on Transportation, to whom was referred:

House Bill No. 28, An act relating to the registration of pleasure-car type motor vehicles.

Having considered the same, reported the same with the following resolution:

Resolved, That it is inexpedient to legislate.

The report was accepted, and the recommendation of the committee was adopted.

Senator Noel, for the Committee on Engrossed Bills, to whom was referred:

House Bill No. 286, An act relating to the Atlantic States Marine Fisheries Commission.

Having considered the same, reported the same under Joint Rule No. 6 with the following amendment, and recommended that the bill as amended ought to pass:

Amend section 1 of said bill by striking out the first two lines and inserting in place thereof the following:

1. *Atlantic States Marine Fisheries Compact*. Amend chapter 135 of the laws of 1941 by inserting after section 1 the following new section: 1-a. *Amendment to Compact*. The state of

On motion of Senator Noel the report was accepted, amendment adopted, and the bill as amended was sent to the House of Representatives for concurrence in Senate amendment.

Senator Noel, for the Committee on Engrossed Bills, to whom was referred:

House Bill No. 481, An act relative to merit ratings under the unemployment compensation system.

Having considered the same, reported the same, under Joint Rule No. 6, with the following amendment and recommended that the bill as amended ought to pass.

Amend section 1 of said bill by striking out the first four lines and inserting in place thereof the following:

1. *General Experience Rating*. Amend the fifth paragraph of subsection D, section 6 of chapter 218 of the Revised Laws, as amended by section 14, chapter 138 of the Laws of 1945, and by section 17, chapter 59 of the Laws of 1947, and by section 11, chapter 185 of the Laws of 1949, by striking out said paragraph and inserting in place thereof the

On motion of Senator Dole the report was accepted, amendment adopted, and the bill as amended was sent to the House of Representatives for concurrence in Senate amendment.

Bills Engrossed

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled joint resolutions and bill:

Senate Joint Resolution No. 6, Joint resolution in favor of Benjamin F. Greer.

Senate Joint Resolution No. 17, Joint resolution in favor of Luigi Cilli.

House Bill No. 99. An act to increase the salaries of the assessors of the city of Concord.

ALDEGE A. NOEL,
For the Committee.

Senator Bingham rose to a point of personal privilege and spoke briefly in regard to House Bill No. 496, An act relating to the appointment of assistant highway commissioners and a chief engineer.

On motion of Senator Spollett the following resolution was adopted:

Resolved, That the rules be so far suspended as to permit all business in order for this afternoon at two o'clock to be made in order at the present time.

Third Readings

The following entitled bills were read a third time and passed.

House Bill No. 90, (in new draft and with new title), An act amending provisions relative to road use tax on certain out of state vehicles.

House Bill No. 495, An act relating to the appointment of a special consultant to the highway commissioner.

House Bill No. 496, An act relating to the appointment of assistant highway commissioners and a chief engineer.

House Bill No. 522, An act authorizing the Tilton and Northfield Union School District to issue notes for the pay-

ment of an operational deficit for the year 1948-1949 and validating proceedings of the annual district meeting on March 9, 1949.

On motion of Senator Tarlson the following resolution was adopted:

Resolved, That when the Senate adjourns today it be to meet Tuesday morning at 11:00 o'clock.

Permission for use of the Senate Chamber was granted to Senator Dole for the Committee on Labor to hold a public hearing on Tuesday, June 14, at 1:00 P. M.

On motion of Senator Butman the Senate adjourned.

TUESDAY, JUNE 7, 1949

The Senate met according to adjournment.

House Message

The following message was received from the House of Representatives, by its Clerk:

Mr. President:

The House of Representatives has passed the following entitled bill and joint resolution, in the passage of which it asks the concurrence of the Honorable Senate:

House Bill No. 130, An act relating to taking hares and rabbits.

House Joint Resolution No. 34, Joint resolution in favor of the estates of Maurice A. Roberts, Shirley S. Philbrick and John M. Tewksbury.

The message further stated that the House of Representatives has voted to concur with the Honorable Senate in its adoption of the amendments offered by the Committee on Engrossed Bills to the following entitled bills:

House Bill No. 401, An act relating to notice on tax sales.

House Bill No. 488, An act to revise the charter of the city of Claremont.

Senate Bill No. 81, An act relating to separate maintenance.

The message further stated that the House of Representatives has voted to concur with the Honorable Senate in its amendments to the following entitled bills:

House Bill No. 245, An act relative to communicable diseases.

House Bill No. 278, An act relating to the taking of striped bass, and prohibiting the sale of oysters from certain waters.

House Bill No. 476, An act providing for the classification of certain surface waters.

House Bill No. 414, An act providing a council-manager plan charter for the city of Concord.

House Bill No. 501, An act to revise the charter of the city of Concord.

The message further stated that the House of Representatives has voted to concur with the Honorable Senate in the passage of the following entitled bill, sent down from the Honorable Senate:

Senate Bill No. 124, An act relative to lease receipts on land taken for flood control.

The message further stated that the House of Representatives has voted to adopt the amendments offered by the Committee on Engrossed Bills, to the following Senate bill, in the adoption of which amendments the House of Representatives asks the concurrence of the Honorable Senate:

Senate Bill No. 102, An act licensing child-placing and child-caring agencies.

Amend section 3 of chapter 130 as inserted by section 1 of the bill by striking out the ninth, tenth and eleventh lines and inserting in place thereof the following: custody or control of a child which child has been placed in such person's home by a licensed child-placing agency or by such child's parent or guardian, with a view to adoption.

Amend section 5 of said chapter 130 as inserted by section 1 of the bill by striking out the seventh, eighth, ninth and tenth lines and inserting in place thereof the following: or refusal to grant or renew a license shall be sent by registered mail to the licensee or applicant together with a statement of the right of the licensee or applicant to request

a hearing before the board of public welfare within seven days from the receipt.

Amend section 8 of said chapter 130 as inserted by section 1 of the bill by striking out said section and inserting in place thereof the following:

8. *Record.* The department of public welfare shall keep a record of licenses issued by the commissioner under the provisions of this chapter. When a license is issued to a child-caring agency, said department shall give notice to the board of health of the city or town in which the licensee is located stating the granting of such license and its terms. A like notice shall be given of any revocation of such license.

Amend section 10 of said chapter 130 as inserted by section 1 of said bill by striking out said section and inserting in place thereof the following:

10. *Notice of Death.* In the case of death of any child under the control of any licensed child-caring agency, the licensee shall give notice thereof to the department of public welfare within twenty-four hours thereafter stating the date and cause of death, duration of the last illness and the names and addresses of the attending physician and undertaker.

Amend section 12 of said chapter 130 as inserted by section 1 of said bill by striking out said section and inserting in place thereof the following:

12. *Prosecution.* Upon receipt of such notice, the department of public welfare may, and said solicitor or police authorities shall, immediately investigate the case and it shall be the duty of said solicitor or police authorities to cause the custodian of such child to be prosecuted if probable cause therefor appears.

On motion of Senator Noel the Senate voted to concur in the adoption of the amendments offered by the Committee on Engrossed Bills, sent up from the House of Representatives.

The message further stated that the House of Representatives concurred with the Honorable Senate in the passage of the following bill, with amendment, in the passage of which amendment the House of Representatives asked the concurrence of the Honorable Senate.

Senate Bill No. 121, An act relating to assistant pharmacists.

Amend the bill by inserting after section 2 the following new section:

3. *Repeal.* Amend section 18 of chapter 256 of the Revised Laws by striking out said section and inserting in place thereof the following:

18. *Pharmacists.* Applicants for examination and registration as pharmacists shall be citizens of the United States and not less than twenty-one (21) years of age, of good moral character and temperate habits, a graduate of a school or college of pharmacy or department of a university accredited as Grade "A" by the American Council on Pharmaceutical Education and approved by the New Hampshire Commission of Pharmacy and practical Chemistry; and shall file proof satisfactory to the commission, substantiated by proper affidavits, of a minimum of one year of experience in a retail or hospital pharmacy in the United States where physician's prescriptions are compounded under the supervision of a registered or licensed pharmacist; and shall pass an examination given by the New Hampshire Commission of Pharmacy to establish satisfactorily their fitness to practice. Service and experience in a retail or hospital pharmacy under the supervision of a registered or licensed pharmacist as required in this section shall be predominantly related to the selling of drugs and medical supplies, compounding prescriptions, preparing pharmaceutical preparations, and keeping records and making reports required under state and federal statutes.

Further amend said bill by renumbering section 3 to read section 4.

The above entitled bill, with its accompanying amendment, was laid upon the table to be printed in the Journal.

The message further stated that the House of Representatives had voted to adopt the following concurrent resolution, in the adoption of which it asked the concurrence of the Honorable Senate:

Resolved by the House of Representatives, the Senate concurring.

That the state board of education is hereby directed to investigate and study the need for a formula to be applied to the distribution of state moneys to local school districts. The said board is directed to make such study so that the application of awards to the several districts shall be made only on the basis of need to the end that needy districts shall be aided to the extent that educational facilities for all children of New Hampshire shall be on a more equitable basis. Said board shall report its findings to the 1951 session of the General Court not later than January 15, 1951.

Senator Daniell offered the following amendment and moved its adoption:

Amend the resolution by substituting 1949 for 1951 in the next to the last line, and June 14, 1949 for January 15, 1951 in the last line.

Senator Daniell spoke in favor of the amendment.

Senator Noel moved that the resolution, and its accompanying amendment, be laid upon the table and make a special order for Tuesday, June 14, at 11:01.

Senator Burbank spoke in favor of the motion.

On a *viva voce* vote the affirmative prevailed, and the motion to lay upon the table was adopted.

On motion of Senator Hartnett the rules were suspended to hold a public hearing on Senate Bill No. 139, An act relative to the zoning powers of the Rye Water District, this afternoon at 1:00 o'clock, and not having been previously advertised in the Journal.

Communication

The following communication was received by the President:

My Dear Senator Bass:

May I, through you, express the appreciation of my children and myself, for the lovely spray of roses and iris, sent in memory of my husband, Eugene S. Daniell.

Very truly yours,

MARY H. DANIELL.

Senator Daniell also thanked the members of the Senate for their words of sympathy and the flowers.

Read and Referred

The following entitled bill and joint resolution, sent up from the House of Representatives, were read a first and second time, and referred:

To the Committee on Fisheries and Game, Forestry and Recreation:

House Bill No. 130, An act relating to taking hares and rabbits.

To the Committee on Finance:

House Joint Resolution No. 34, Joint resolution in favor of the estates of Maurice A. Roberts, Shirley S. Philbrick and John M. Tewksbury.

On motion of Senator Noel, the order whereby House Joint Resolution No. 34 was referred to the Committee on Finance was vacated, the rules were suspended, reference to committee dispensed with, and the joint resolution was read a third time, and passed at the present time.

Committee Reports

Senator Wiggin, for the Committee on Fisheries and Game, Forestry and Recreation, to whom was referred:

House Bill No. 275, An act relative to non-resident fish and game licenses.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted, and the bill was ordered to a third reading this afternoon at two o'clock.

Senator O'Malley, for the Committee on Finance, to whom was referred:

House Bill No. 498, An act relating to forest fires.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted, and the bill was ordered to a third reading this afternoon at two o'clock.

Senator Noel, for the Committee on Ways and Means, to whom was referred:

House Bill No. 300, An act relating to obscene literature, pictures, and articles.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted, and the bill was ordered to a third reading this afternoon at two o'clock.

Senator Noel, for the Committee on Ways and Means, to whom was referred:

Senate Bill No. 123, An act relative to the issuance of bonds or notes of Hampton Beach Village District.

Having considered the same, reported the same with the following amendment, and recommended that the bill as amended ought to pass:

Amend section 1 of the bill by striking out the word "sixty" in the third line and substituting in place thereof the word forty, and by striking out the figures \$60,000 in the fourth line and substituting in place thereof the figures \$40,000, so that said section as amended shall read as follows:

1. *Authorization.* The Hampton Beach Village District is hereby authorized to issue serial notes or bonds on the credit of the district to an amount not exceeding forty thousand dollars (\$40,000) for the purpose of the construction of a salt water fire protection system.

The report was accepted, amendment adopted, and the bill as amended was ordered to a third reading this afternoon at two o'clock.

Senator Noel, for the Committee on Ways and Means, to whom was referred:

Senate Bill No. 129, An act authorizing the town of Hampton to issue serial notes or bonds.

Having considered the same, reported the same with the following amendment and recommended that the bill as amended ought to pass.

Amend section 1 of the bill by striking out the word "two" in line 3 and substituting in place thereof the word one, so that said section as amended shall read as follows:

1. *Authority granted.* The town of Hampton is hereby authorized to issue serial notes or bonds, from time to time, not exceeding in aggregate principal amount the sum of one

hundred fifty thousand dollars, for the purpose of providing funds for constructing and equipping a new town hall in said town.

The report was accepted and the amendment was adopted.

Senator McMeekin offered the following amendment and moved its adoption:

Amend section 1 of the bill by adding at the end thereof the following: action taken under authority of this act at any meeting of the town of Hampton held in the current year shall be effective in all respects as though this act had been in full force and effect on the date when the warrant for such meeting was posted, so that said section shall read as follows:

1. *Authority Granted.* The town of Hampton is hereby authorized to issue serial notes or bonds, from time to time, not exceeding in aggregate principal amount the sum of one hundred fifty thousand dollars, for the purpose of providing funds for constructing and equipping a new town hall in said town. Action taken under authority of this act at any meeting of the town of Hampton held in the current year shall be as effective in all respects as though this act had been in full force and effect on the date when the warrant for such meeting was posted.

Senator McMeekin explained the amendment to the membership of the Senate.

On a *viva voce* vote the amendment was adopted, and the bill was ordered to a third reading this afternoon at two o'clock.

A majority of the Committee on Ways and Means, to whom was referred:

Senate Bill No. 106, An act establishing the date of Fast Day.

Having considered the same, reported the same without amendment and recommended its passage.

SHIRLEY BRUNEL,
MARYE CARON,
ALDEGE NOEL,
A Majority of the Committee.

A minority of the Committee on Ways and Means, to whom was referred:

Senate Bill No. 106, An act establishing the date of Fast Day.

Having considered the same, reported the same with the following resolution:

Resolved, That it is inexpedient to legislate.

The report of the majority was accepted.

Senator Dole moved that the report of the minority, inexpedient to legislate, be substituted for the report of the majority, ought to pass.

(Discussion ensued)

Senator Dole spoke in favor of substitution.

Senators Noel, Butman, O'Malley, Daniell and Caron spoke in opposition to the substitution.

On a *viva voce* vote the negative prevailed, and the motion to substitute was lost.

The question being stated, Shall the bill be read a third time?

On a *viva voce* vote the affirmative prevailed, and the above entitled bill was ordered to a third reading this afternoon at two o'clock.

Senator Noel, for the Committee on Engrossed Bills, to whom was referred:

House Bill No. 496, An act relating to the appointment of assistant highway commissioners and a chief engineer.

Having considered the same, reported the same, under Joint Rule No. 6, with the following amendment and recommended that the bill as amended ought to pass.

Amend section 4 of said bill by striking out the same and inserting in place thereof the following:

4. *Takes Effect.* This act shall take effect as of July 1, 1949.

On motion of Senator Noel the report was accepted, amendment adopted, and the bill as amended was sent to the House of Representatives for concurrence in Senate amendment.

Senator Noel, for the Committee on Engrossed Bills, to whom was referred:

House Bill No. 283, An act relating to licenses for hotels.

Having considered the same, reported the same under Joint Rule 6 with the following amendment, and recommended that the bill as amended ought to pass:

Amend section 2 of said bill by striking out the sixth to the thirteenth lines and inserting in place thereof the following: of said hotel designated by the commission. Said room shall not have an immediate entrance upon any public way. No license provided by this section shall be issued to any hotel in towns not accepting the provisions of this chapter unless such hotel is classified as a resort hotel by the commission, and sales of liquor and beverages in such hotels shall not be made to a resident of the town in which such hotel is located. The commission may grant, regulate, suspend, or revoke said special license without affecting any other

On motion of Senator Noel, the report was accepted, amendment adopted, and the bill as amended was sent to the House of Representatives for concurrence in Senate amendment.

Senator Noel, for the Committee on Engrossed Bills, to whom was referred:

House Bill No. 400, An act to revise the charter of the city of Franklin.

Having considered the same, reported the same under Joint Rule 6 with the following amendment, and recommended that the bill as amended ought to pass:

Amend the second paragraph of section 5 of said bill by striking out the first two sentences and inserting in place thereof the following:

In the first city election following the adoption of this charter, there shall be chosen nine councilmen, two to be elected from each ward and three to be elected by the city at large. The candidate for ward councilman from each ward receiving the largest number of votes shall serve for four years. The candidate for ward councilman in each ward receiving the second largest number of votes shall serve for two years.

Amend section 13 of said bill by striking out the second sentence and inserting in place thereof the following: Said supervisors shall perform all the duties required by law of selectmen of wards in cities and of supervisors of checklists in towns, and for all purposes requiring such officers, shall be considered selectmen of said ward.

Amend section 14 of said bill by striking out the third sentence and inserting in place thereof the following: Each candidate shall pay the city clerk a fee of three dollars except one on whose behalf a petition has been filed by at least fifty qualified voters.

Amend section 49 of said bill by striking out the figure "20" and inserting in place thereof the figure, 21,

Renumber the section numbered 51 to read 50.

Renumber the section numbered 50 to read 51.

Amend the section numbered 54 by striking out the number "49" and inserting in place thereof the number, 50, and further amend said section numbered 54 by renumbering it to read 55.

Further amend said bill by inserting after section 53 the following new section:

54. *Repeal.* Such parts of chapter 260 of the Laws of 1895 and any other acts or parts of acts inconsistent with the provisions of this act are hereby repealed to the extent of such inconsistency.

On motion of Senator Daniell, the report was accepted, amendment adopted, and the bill as amended was sent to the House of Representatives for concurrence in Senate amendment.

Bills Engrossed

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled bills:

Senate Joint Resolution No. 13, Joint resolution in favor of Blanche B. Couture.

Senate Bill No. 31, An act relating to separate maintenance.

House Bill No. 278, An act relating to the taking of striped bass, and prohibiting the sale of oysters from certain waters.

House Bill No. 401, An act relating to notice of tax sales.

House Bill No. 488, An act to revise the charter of the city of Claremont.

House Bill No. 495, An act relating to the appointment of a special consultant to the highway commissioner.

House Bill No. 522, An act authorizing the Tilton and Northfield Union School District to issue notes for the payment of an operational deficit for the years 1948-1949, and validating proceedings of the annual district meeting on March 9, 1949.

House Bill No. 524, An act relative to the salaries of the commissioners of Rockingham County.

ALEDGE A. NOEL,
For the Committee.

On motion of Senator Spollett the following resolution was adopted:

Resolved, That the rules be so far suspended as to permit all business in order for this afternoon at two o'clock to be made in order at the present time.

Third Readings

The following entitled bills were read a third time, and passed:

Senate Bill No. 106, An act establishing the date of Fast Day.

Senate Bill No. 123, An act relative to the issuance of bonds or notes of Hampton Beach Village District.

Senate Bill No. 129, An act authorizing the town of Hampton to issue serial notes or bonds.

House Bill No. 275, An act relative to non-resident fish and game licenses.

House Bill No. 300, An act relating to obscene literature, pictures and articles.

House Bill No. 498, An act relating to forest fires.

Reconsideration

Senator Noel moved that the Senate reconsider its vote whereby it passed Senate Bill No. 106, An act establishing the date of Fast Day.

On a *viva voce* vote the negative prevailed, and the motion to reconsider was lost.

On motion of Senator Butman the Senate adjourned.

WEDNESDAY, JUNE 8, 1949

The Senate met according to adjournment.

Introduction of Guests

President Bass introduced to the membership of the Senate, Mrs. Hartnett and her two sons, family of Senator Hartnett of District No. 21.

House Message

The following message was received from the House of Representatives, by its Clerk:

Mr. President:

The House of Representatives has passed the following entitled bills, in the passage of which it asks the concurrence of the Honorable Senate:

House Bill No. 516, An act to supplement the appropriation for the Legislative Department.

House Bill No. 521, An act relative to payment of certain monies received from the treasurer of the United States.

The message further stated that the House of Representatives has voted to concur with the Honorable Senate in the passage of the following entitled bills and joint resolutions, sent down from the Honorable Senate

Senate Bill No. 109, An act providing for regulations of open air motion picture theatres.

Senate Bill No. 115, An act relating to the reconstruction and financing of the water works system of the Plymouth Village Fire District.

Senate Bill No. 120, An act relating to reports by registers of deeds.

Senate Bill No. 128, An act ratifying certain action of the town of Whitefield relative to the so-called Morrison Hospital.

Senate Bill No. 130, An act relating to a cost of living bonus for state employees.

Senate Joint Resolution No. 7, Joint resolution providing for a committee to study hospital care and rates.

Senate Joint Resolution No. 8, Joint resolution in favor of Samuel Jovin.

Read and Referred

The following entitled bills sent up from the House of Representatives were read a first and second time and referred:

To the Committee on Finance:

House Bill No. 516, An act to supplement the appropriation for the Legislative Department.

To the Committee on Judiciary:

House Bill No. 521, An act relative to payment of certain monies received from the treasurer of the United States.

Committee Reports

Senator O'Malley, for the Committee on Finance, to whom were referred:

House Bill No. 162, An act relative to payments to towns for flood control.

House Bill No. 291, An act relative to the salary of the mayor and establishing a department of public works in the City of Rochester.

House Joint Resolution No. 13, Joint resolution in favor of Samuel W. Tenofsky.

House Joint Resolution No. 31, Joint resolution in favor of Alfred M. Jenness.

Senate Joint Resolution No. 18, Joint resolution to establish an interim commission to study the present motor vehicle financial responsibility law.

Having considered the same, reported the same without amendment, and recommended their passage.

The reports were accepted, and the bills and joint resolutions were ordered to a third reading this afternoon at two o'clock.

Senator Noel, for the Committee on Ways and Means, to whom was referred:

House Bill No. 519, An act increasing fees paid to the Secretary of State for corporation and partnership registrations, licenses, engrossing private acts, election recounts and miscellaneous documents.

Having considered the same, reported the same without amendment and recommended its passage.

The report was accepted.

Senator McMeekin offered the following amendment and moved its adoption.

Amend by inserting after section 5 of the bill the following new section:

5a. *Corporations.* Amend section 104 of chapter 274 of the Revised Laws by inserting after the words "insurance commissioner" the words, and except holders of certificates of approval under the provisions of section 78 of chapter 170 of the Revised Laws, so that said section as amended shall read as follows:

104. *Returns.* Every business corporation, including foreign corporations doing business in this state, except public utility or other corporations making annual returns to the public service commission or the insurance commissioner, and except holders of certificates of approval under the provisions of section 78 of chapter 170 of the Revised Laws, shall annually, on or before April first, make a return in writing to the Secretary of State upon blanks to be furnished by him upon request.

Senator McMeekin explained his amendment to the Senate.

On a *viva voce* vote the affirmative prevailed, the amendment was adopted, and the bill as amended was ordered to a third reading this afternoon at two o'clock.

Senator Bingham, for the Committee on Judiciary, to whom were referred:

Senate Bill No. 138, An act relating to highways.

Senate Bill No. 139, An act relating to zoning powers of the Rye Water District.

Having considered the same, reported the same without amendment and recommended their passage.

The reports were accepted, and the bills were ordered to a third reading this afternoon at two o'clock.

Senator Bingham, for the Committee on Judiciary, to whom was referred:

House Bill No. 185, An act relating to photographic copies of documents and records.

Having considered the same, reported the same with the following amendment and recommended that the bill as amended ought to pass.

Amend the bill by striking out all after the enacting clause and substituting therefor the following:

1. (a) The term "business" shall include every kind of business, profession, occupation, operation of institutions, and calling of every kind, whether private or public.

(b) The term "record" shall include any memorandum, writing, entry, print, representation, or combination thereof, of any act, transaction, occurrence or event.

(c) The term "photograph" shall include any photo-static, photographic, micro-photographic, or other reproduction, including any enlarged copy thereof, by any photographic process on film or other medium.

2. Any photograph of a record identified by the custodian of such photograph shall be equally admissible in evidence as the record itself in any judicial or administrative proceeding, if, when such photograph was made, it was in the regular course of such business to make such photograph. All circumstances of the making of such photograph may be shown to affect the weight, but not the admissibility thereof. The destruction, loss or other disposal of the original record shall not preclude the admissibility of a photograph thereof made in accord with the provisions of this act.

3. This act shall take effect upon its passage.

The report was accepted, and the above entitled bill with its accompanying amendment was laid on the table to be printed in the Journal.

Taken from the Table

Senate Bill No. 121, An act relating to assistant pharmacists, was taken from the table.

The question being, Shall the Senate concur in the adoption of the amendment, sent up from the House of Representatives, which was printed in the Senate Journal of June 7?

On motion of Senator McMeekin the Senate refused to concur in the adoption of the amendment and requested a Committee of Conference.

Pursuant to the above request, the President appointed as members of such committee on the part of the Senate, Senators McMeekin and Otis.

On motion of Senator Spollett the following resolution was adopted:

Resolved, That the rules be so far suspended as to permit all business in order for this afternoon at two o'clock to be made in order at the present time.

Third Readings

The following entitled bills and joint resolutions were read a third time, and passed:

Senate Bill No. 138, An act relating to highways.

Senate Bill No. 139, An act relating to zoning powers of the Rye Water District.

Senate Joint Resolution No. 18, Joint resolution to establish an interim commission to study the present motor vehicle financial responsibility law.

House Bill No. 162, An act relative to payments to towns for flood control.

House Bill No. 291, An act relative to the salary of the mayor and establishing a department of public works in the city of Rochester.

House Bill No. 519, An act increasing fees paid to the secretary of state for corporation and partnership registrations, licenses, engrossing private acts, election recounts and miscellaneous documents.

House Joint Resolution No. 13, Joint resolution in favor of Samuel W. Tenofsky.

House Joint Resolution No. 31, Joint resolution in favor of Alfred M. Jenness.

On motion of Senator Butman the Senate adjourned.

THURSDAY, JUNE 9, 1949

The Senate met according to adjournment.

House Message

The following message was received from the House of Representatives, by its Clerk:

Mr. President:

The House of Representatives has passed the following entitled bills, in the passage of which it asks the concurrence of the Honorable Senate:

House Bill No. 221, An act to authorize the construction and financing of a sewer system by the town of Meredith.

House Bill No. 335, An act relative to taking wild deer.

House Bill No. 515, An act providing for a deputy registrar for the city of Manchester.

The message further stated that the House of Representatives has voted to adopt the amendments offered by the Committee on Engrossed Bills to the following bill, in the adoption of which amendments the House of Representatives asks the concurrence of the Honorable Senate:

Senate Bill No. 8, An act in amendment of the laws to the Union School District in Concord.

Amend the bill by inserting after section 9 the following new section:

10. *Repeal.* Section 8 of chapter 230 of the Laws of 1927 relative to financial budget is hereby repealed.

Further amend said bill by renumbering section 10 to read section 11.

On motion of Senator Otis, the Senate voted to concur in the amendment by the Committee on Engrossed Bills, sent up from the House of Representatives.

House Bill No. 250, An act relating to the use of the names of natural parents of adopted children in certain cases and changing methods of reporting records of adoption and divorces.

Amend the title of said bill by adding at the end thereof the words, and changing method of reporting records of

adoptions and divorces, so that said title as amended shall read as follows:

An act relating to the use of names of natural parents of adopted children in certain cases and changing method of reporting records of adoptions and divorces.

Amend section 4 of said bill by striking out the first four lines and inserting in place thereof the following:

4. *Registrar of Vital Statistics.* Amend section 9 of chapter 337 of the Revised Laws by striking out said section and inserting in place thereof the following: 9. *Preservation of Returns.* The state registrar shall cause the returns made to him in pursuance of the preceding sections, together with the returns of divorces made by the clerks of court.

Further amend said bill by inserting after section 5 the following new section:

6. *Takes Effect.* This act shall take effect upon its passage.

On motion of Senator Noel, the Senate voted to concur in the amendment offered by the Committee on Engrossed Bills, sent up from the House of Representatives.

The message further stated that the House of Representatives has voted to concur with the Honorable Senate in its adoption of the amendments offered by the Committee on Engrossed Bills to the following entitled bills:

House Bill No. 283, An act relating to licenses for hotels.

House Bill No. 286, An act relating to the Atlantic States Marine Fisheries commission.

House Bill No. 481, An act relative to merit ratings under the unemployment compensation system.

House Bill No. 496, An act relating to the appointment of assistant highway commissioners and a chief engineer.

House Bill No. 400, An act to revise the charter of the City of Franklin.

The message further stated that the House of Representatives concurs with the Honorable Senate in the passage of the following entitled bill, with amendements, in the passage of which amendements the House of Representatives asks the concurrence of the Honorable Senate:

Senate Bill No. 101, An act pertaining to conduct of operator of motor vehicle after accident.

1. *Motor Vehicle Accidents.* Amend section 19 of chapter 118 of the Revised Laws as amended by chapter 34 of the Laws of 1949 by adding at the end of said section the following: provided, however, that voluntary intoxication shall not constitute a defense in the matter of knowledge under the provisions of this section, so that said section as amended shall read as follows: 19. *Conduct After Accident.* Any person operating a motor vehicle, knowing that injury has been caused by him to a person or to property, shall forthwith bring his vehicle to a stop, return to the scene of the accident, give, to the operator of any motor vehicle involved in said accident, and to the person, or the owner of the property, injured his name and address, the number of the driver's license, the registration number of the motor vehicle, and the name and address of each occupant thereof. If the owner of the property damaged is not available at the place of the accident the information required hereunder shall be given to a policeman at the nearest police station. Any person operating a motor vehicle which is in any manner involved in an accident in which any person is injured or killed, or resulting in damage to property in excess of fifty dollars, shall forthwith report in writing to the commissioner the facts required herewith together with a statement of the circumstances of the accident, provided, however, that voluntary intoxication shall not constitute a defence in the matter of knowledge under the provisions of this section.

2. *Takes Effect.* This act shall take effect upon its passage.

On motion of Senator Wiggin, the Senate voted to concur in the adoption of the amendment, sent up from the House of Representatives.

The message further stated that the House of Representatives had voted to adopt the amendments offered by the Committee on Engrossed Bills, to the following House bills, in the adoption of which amendments the House of Representatives asked the concurrence of the Honorable Senate:

House Bill No. 414, An act providing a council manager plan charter for the city of Concord.

Amend section 5 of said bill by striking out the third sentence and inserting in place thereof the following:

Each candidate shall pay the city clerk a fee of three dollars except one on whose behalf a petition shall have been filed by at least fifty qualified voters.

Amend section 20 by striking out the first two lines and inserting in place thereof the following:

20. *Non-Interference by the Council.* Neither the council nor any of its members shall direct or request, except in writing the appointment of any

Amend section 57 of said bill by striking out the second sentence and inserting in place thereof the following:

At the top of the ballot used at said primary there shall appear questions in bold-face type and instructions, as hereinafter provided, relative to the adoption of said plan 2 together with plan 1 as set forth in "An act to revise the charter of the city of Concord."

On motion of Senator Otis, the Senate voted to concur in the adoption of the amendment offered by the Committee on Engrossed Bills, sent up from the House of Representatives.

House Bill No. 476. An act providing for the classification of certain surface waters.

Amend paragraph IV of section 1 of said bill by striking out the figure "XXXV" and inserting in place thereof the figure, III.

Further amend said bill by inserting after section 2 the following new section:

3. *Takes Effect.* This act shall take effect upon its passage.

On motion of Senator Noel the Senate voted to concur in the adoption of the amendment offered by the Committee on Engrossed Bills, sent up from the House of Representatives.

House Bill No. 501. An act to revise the charter of the city of Concord.

Amend said bill by striking out the word "section" where it appears throughout the bill in front of the section numbers; also by striking out the numerals at the head of the subdivisions.

Amend section 19 of said bill by striking out the third paragraph and inserting in place thereof the following:

Each assessor shall prior to his appointment have demonstrated knowledge of property appraisal or assessment and of the laws governing the assessment and collection of property taxes. It shall be the duty of the board of assessors to assess all taxable property in the city in accordance with general law and such administrative regulations as may be promulgated pursuant thereto, to maintain a standard system of assessment records, and to perform such other duties as the board of aldermen may prescribe by ordinance.

Amend section 25 of said bill by striking out the word "fiscal" in the second line.

Amend section 47 of said bill by striking out the second sentence and inserting in place thereof the following: •

At the top of the ballot used in said primary there shall appear questions in bold-face type and instructions, as hereinafter provided, relative to the adoption of said plan 1 together with plan 2 as set forth in "An Act providing a council-manager plan charter for the city of Concord."

On motion of Senator Bingham the Senate voted to concur in the adoption of the amendment offered by the Committee on Engrossed Bills, sent up from the House of Representatives.

Read and Referred

The following entitled bills, sent up from the House of Representatives, were read a first and second time and referred:

To the Committee on Ways and Means:

House Bill No. 221, An act to authorize the construction and financing of a sewer system by the town of Meredith.

To the Committee on Fisheries and Game, Forestry and Recreation:

House Bill No. 335, An act relative to taking wild deer.

To the Committee on Judiciary:

House Bill No. 515, An act providing for a deputy registrar for the city of Manchester.

Committee Reports

Senator Bingham, for the Committee on Judiciary, to whom was referred:

House Bill No. 512, An act relative to the charter of the city of Dover.

Having considered the same, reported the same without amendment and recommended its passage.

The report was accepted and the bill was ordered to a third reading this afternoon at two o'clock.

Senator Spollett, for the Committee on Agriculture, to whom was referred:

House Bill No. 479, An act relative to protection against Bang's disease.

Having considered the same, reported the same with the following amendment and recommended that the bill as amended ought to pass.

Amend the bill by striking out all after the enacting clause and substituting therefor the following:

1. *Relating to Adult Vaccination.* Amend section 46b of the Revised Laws as inserted by chapter 201 of the Laws of 1947, by striking out said section, and inserting in place thereof the following: 46b. *Alternate Plan.* The Commissioner of Agriculture may grant permission to adult vaccinate a seriously infected or troublesome herd under this Alternate Plan. If an owner is refused permission to adult vaccinate his herd he may appeal to a county approval board. Request to adult vaccinate shall be made in writing to the Commissioner of Agriculture. The county approval board shall consist of three members in each county, two to be appointed by the Commissioner of Agriculture and these two to appoint a third member; all to serve without pay or expenses and until such a time as their successor or successors shall be appointed. Whenever a person shall receive permission to adult vaccinate under this section it shall be granted under rules and regulations approved by the Federal Bureau of Animal Industry and by the State Department of Agriculture. All calves raised in such herds shall be vaccinated according to such rules and regulations as are specified for calfhood vaccination. All bovine animals in the herd must be tested for brucellosis and reactors tagged, branded, appraised and slaughtered as pro-

vided for under chapter 229 Revised Laws before any animals will be vaccinated. All passed animals must be permanently identified by ear tag number and tattoo mark. No animal can be sold out of an adult vaccinated herd for any purpose except by written permission from the New Hampshire Department of Agriculture, Division of Animal Industry. No indemnity will be paid on any animal vaccinated at an age older than eight months. Any owner maintaining a herd under the terms of this act agrees to forfeit any and all indemnity on animals condemned and slaughtered after adult vaccination has once been started in a herd, and until such a time as the herd passes at least one clean test for brucellosis and adult vaccination has been discontinued. An owner of an adult vaccinated herd shall discontinue all vaccination with strain 19 in his adult animals on or before three years from the date of the receipt of application for adult vaccination by the Commissioner, but said herd owner may reapply to adult vaccination under this plan at any time thereafter. The Commissioner of Agriculture shall have the right to order the discontinuance of adult vaccination in any herd, when in his opinion it is evident that said adult vaccinated animals become a menace to other healthy herds. Such herds shall be under strict quarantine at all times and shall be subject to test at such times as the commissioner may direct. Upon passage of this act herds now operating under 46b, chapter 201 of the Laws of 1947 may continue under the conditions they originally accepted, but no new herds shall be allowed to start on that plan.

2. *Takes Effect.* This act shall take effect upon its passage.

The report was accepted, and the bill with its accompanying amendment was laid on the table to be printed in the Journal, under the rules.

Senator Wiggin, for the Committee on Fisheries and Game, Forestry and Recreation, to whom was referred:

House Bill No. 198, An act relating to the taking of deer by bow and arrow.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted, and the bill was ordered to a third reading this afternoon at two o'clock.

Senator Noel, for the Committee on Engrossed Bills, to whom was referred:

House Bill No. 300, An act relating to obscene literature, pictures and articles.

Having considered the same, reported the same under Joint Rule No. 6, with the following amendment, and recommended that the bill as amended ought to pass:

Amend said bill by striking out all preambles before the enacting clause.

On motion of Senator Otis, the report was accepted, amendment adopted, and the bill as amended was sent to the House of Representatives for concurrence in Senate amendment.

Taken from the Table

House Bill No. 185, An act relating to photographic copies of documents and records, was taken from the table.

The question being on the adoption of the amendment offered by the committee, which was printed in the Journal of June 8.

On a *viva voce* vote the affirmative prevailed, the amendment was adopted, and the bill as amended was ordered to a third reading this afternoon at two o'clock.

Bills Engrossed

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled bills and joint resolutions:

Senate Joint Resolution No. 8, Joint resolution in favor of Samuel Jovin.

House Joint Resolution No. 34, Joint resolution in favor of the estates of Maurice A. Roberts, Shirley S. Philbrick and John M. Tewksbury.

Senate Bill No. 115, An act relating to the reconstruction and financing of the water works system of the Plymouth Village Fire District.

Senate Bill No. 130, An act relating to the cost of living bonus for state employees.

House Bill No. 275, An act relative to non-resident fishing licenses.

House Bill No. 498, An act relating to forest fires.

Senate Bill No. 102, An act licensing child-placing and child-caring agencies.

Senate Bill No. 128, An act ratifying certain action of the town of Whitefield to the so-called Morrison Hospital.

House Bill No. 90, An act amending provisions relative to road use tax on certain out-of-state vehicles.

House Bill No. 245, An act relative to communicable diseases.

ALDEGE A. NOEL,
For the Committee.

On motion of Senator Spollett the following resolution was adopted:

Resolved, That the rules be so far suspended as to permit all business in order for this afternoon at two o'clock to be made in order at the present time.

Third Readings

The following entitled bills were read a third time and passed:

House Bill No. 185, An act relating to photographic copies of documents and records.

House Bill No. 198, An act relating to the taking of deer by bow and arrow.

House Bill No. 512, An act relative to the charter of the city of Dover.

Personal Privilege

Senator Hartnett rose to a point of personal privilege and thanked the membership of the Senate and the attaches for their many courtesies extended to Mrs. Hartnett and their children during their visit to the State House on June 8.

On motion of Senator Tarlson the following resolution was adopted:

Resolved, That when the Senate adjourns today it be to meet Tuesday morning at 11:00 o'clock.

On motion of Senator Butman the Senate adjourned.

TUESDAY, JUNE 14, 1949

The Senate met according to adjournment.

Leave of Absence

Senator Reinhart was granted a leave of absence for the balance of the week on account of important business.

House Message

The following message was received from the House of Representatives, by its Clerk:

Mr. President:

The House of Representatives has passed the following entitled bills, in the passage of which it asks the concurrence of the Honorable Senate:

House Bill No. 211, An act making appropriations for the expenses of the State of New Hampshire for the year ending June 30, 1950.

House Bill No. 212, An act making appropriations for the expenses of the State of New Hampshire for the year ending June 30, 1951.

House Bill No. 236, An act relating to small claims.

House Bill No. 520, An act to repeal charters of certain corporations.

House Bill No. 485, An act opening Shannon Brook in Moultonborough to smelt fishing.

The message further stated that the House of Representatives had voted to concur with the Honorable Senate in its amendment to the following entitled bill:

House Bill No. 519, An act increasing fees paid to the Secretary of State for corporation and partnership registrations, licenses, engrossing private acts, election recounts and miscellaneous documents.

The message further stated that the House of Representatives concurred with the Honorable Senate in the passage of the following entitled bill, with amendments, in the passage of which amendments the House of Representatives asked the concurrence of the Honorable Senate.

Senate Bill No. 112, An act relating to damages under the death statute.

Amend the bill by striking out section 1 and inserting in place thereof the following:

1. *Limitations.* Amend section 13 of chapter 355 of the Revised Laws by inserting after the word "thousand" in line 2 the words, five hundred; and by striking out the word "ten" in line 4 and inserting in place thereof the word, fifteen, so that said section as amended shall read as follows:

13. *Limitation.* The damages recoverable in any such action shall not exceed seven thousand five hundred dollars, except in cases where the plaintiff's decedent has left either a widow, widower, or minor children or a dependent father or mother, when the damages recoverable shall not exceed fifteen thousand dollars.

2. *Takes Effect.* This act shall take effect upon its passage.

On motion of Senator Hartnett the Senate voted to concur in the adoption of the amendment sent up from the House of Representatives.

The message further stated that the House of Representatives had voted to adopt the amendments offered by the Committee on Engrossed Bills, to the following House bills, in the adoption of which amendments the House of Representatives asked the concurrence of the Honorable Senate.

Senate Bill No. 124, An act relative to lease receipts on land taken for flood control.

Amend section 1 of said bill by inserting after the word "town" in the fourteenth and seventeenth lines the words, city or, and by inserting before the word "towns" in the sixteenth and eighteenth lines the words, cities or,

On motion of Senator Noel the Senate voted to concur in the adoption of the amendment offered by the Committee on Engrossed Bills sent up from the House of Representatives.

Senate Bill No. 120, An act relating to reports by registers of deeds.

Amend section 1 of said bill by striking out the first four lines and inserting in place thereof the following:

1. *Register of Deeds.* Amend section 12 of chapter 49 of the Revised Laws by striking out the same and inserting

in place thereof the following: 12. *List of Conveyance for Tax Purposes.* Every register shall send to

Further amend said bill by inserting after section 1 the following new section:

2. *Takes Effect.* This act shall take effect upon its passage.

On motion of Senator Otis the Senate voted to concur in the adoption of the amendment offered by the Committee on Engrossed Bills sent up from the House of Representatives.

Senate Joint Resolution No. 7, Joint resolution providing for a committee to study hospital care and rates.

Amend said resolution by striking out the words "to this legislature" in the tenth line and inserting in place thereof the words, to the legislature of 1951.

Read and Referred

The following entitled bills, sent up from the House of Representatives, were read a first and second time, and referred:

To the Committee on Finance:

House Bill No. 211, An act making appropriations for the expenses of the State of New Hampshire for the year ending June 30, 1950.

House Bill No. 212, An act making appropriations for the expenses of the State of New Hampshire for the year ending June 30, 1951.

To the Committee on Judiciary:

House Bill No. 236, An act relating to small claims.

House Bill No. 520, An act to repeal charters of certain corporations.

To the Committee on Fisheries and Game, Forestry and Recreation:

House Bill No. 485, An act opening Shannon Brook in Moultonborough to smelt fishing.

Committee Reports

Senator Lalumiere, for the Committee on Transportation, to whom was referred:

House Bill No. 424, An act relative to registration of boats and outboard motors.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted.

Senator Tarlson moved that the above entitled bill be indefinitely postponed.

(Discussion ensued)

Senators Tarlson, Burbank, Pierce and Butman, spoke in favor of the motion.

Senator Wiggin spoke in opposition to the motion.

On motion of Senator Noel the above entitled bill was laid on the table for further consideration.

Senator Caron, for the Committee on Public Health, to whom was referred:

Senate Bill No. 90, in new draft and with new title, An act relative to transportation of milk in the state.

Having considered the same, reported the same in new draft and with new title without amendment, and recommended that it be re-committed to the committee for further hearings.

The report was accepted, and the recommendation of the committee was adopted.

The bill, in new draft and with new title, was read a first and second time, laid on the table to be printed, and referred:

To the Joint Committee on Agriculture and Public Health.

Senate Bill No. 90 (in new draft and with new title), An act relating to the compulsory pasteurization of milk, skimmed and cream sold within the state.

Senator Bingham, for the Committee on Judiciary, to whom was referred:

Senate Bill No. 125, An act relating to fire resistant hallways and stairways.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted.

Senator Hartnett offered the following amendment, and moved its adoption:

Amend section 2 of the bill by striking out the whole of said section and substituting therefor the following:

1. Amend chapter 176 of the Revised Laws by adding at the end thereof the following new sections: 22. *Hallways and Stairways.* Inflammable surfaces of all common or public stairways or hallways, excepting stairway landings, treads, risers, and mopboards, and hallway floors and mopboards, in buildings under section 9, not excepted under section 10 of this chapter, shall be completely covered by flameproof or fire resistant covering. These coverings may be of plaster, paint, cloth, paper or other materials, but none shall be considered satisfactory, unless approved by the State Fire Marshal. Repairs or alterations necessary to have buildings comply with these regulations as to hallways, shall be completed by January 1, 1951, as to stairways by July 1, 1950. In case of hardship, further extensions, not to exceed a total of one (1) year, may be granted in towns by the Board of Selectmen and in cities by the Fire Marshal with consent of the Mayor. 23. *Violations.* In addition to the penalty provided in section 21, in case of fire resulting in loss of life or personal injury in buildings violating the provisions of section 22, said violations shall be presumed to be the cause of said loss of life or personal injury unless said presumption is successfully rebutted by evidence to the contrary.

On a *viva voce* vote the affirmative prevailed, the amendment was adopted, and the bill as amended was ordered to a third reading this afternoon at two o'clock.

Senator Wiggin, for the Committee on Fisheries and Game, Forestry and Recreation, to whom was referred:

House Bill No. 182, An act relative to division of the state for taking wild deer.

Having considered the same, reported the same with the following amendment, and recommended that the bill as amended ought to pass:

Amend section 1 of said bill by striking out the same and inserting in place thereof the following:

1. *Wild Deer.* Amend section 3 of chapter 242 of the Revised Laws as amended by chapter 191 of the Laws of 1943 and chapter 168 of the Laws of 1945 by striking out said section and inserting in place thereof the following: 3. *Taking;*

Time. Wild deer, outside game preserves, may be hunted and taken from one-half hour before sunrise to one-half hour after sunset in that part of the state which lies north of the following described line during the month of November; and in that part of the state lying south of the following described line during the month of December, provided that no deer shall be hunted or taken at any time on any island or in any waters or lakes and ponds. The line for the division of the state for the purpose of taking wild deer is described as follows: Beginning at the boundary line with the state of Vermont in the town of Orford on route 25A, thence on said route to Orfordville, thence to Wentworth on route 25, thence on said route 25 to Rumney Depot, thence from Rumney Depot to Rumney Village, thence following by Lake Stinson to West Campton, thence from West Campton to Campton Station, thence from Campton Station to Campton Lower Village, thence from Campton Lower Village to Campton Upper Village, thence from Campton Upper Village following the Waterville Valley road up Mad River to the junction on the Sandwich Notch road, thence following the Sandwich Notch road to the town line between Sandwich and Thornton, thence following said town line northerly to the Waterville town line, thence along the boundary line between Waterville and Sandwich to the easterly bound of the town of Sandwich, thence southerly by the Sandwich town line to route 113-A, thence easterly and southerly by said route 113-A to route 113, thence by route 113 to route 16 in the town of Tamworth, thence northerly and easterly on route 16 to the junction with route 113 in the town of Madison, thence on said route 113 to the state of Maine boundary.

Further amend said bill by inserting after section 1 the following new section:

2. *Special Closed Season.* Amend chapter 242 of the Revised Laws by inserting after section 3 the following new section: 3-a. *Powers of the Director.* After December 15th in any year the director, with the approval of the commission, may close the open season for taking deer in any area or section if in his opinion such action is necessary to preserve an adequate brood stock of deer.

Further amend said bill by renumbering section 2 to read section 3.

The report was accepted, and the bill with the accompanying amendment was laid on the table to be printed, under the rules.

Taken from the Table

House Bill No. 479, An act relative to protection against Bang's disease was taken from the table.

The question being on the adoption of the amendment offered by the Committee on Agriculture which was printed in the Journal of June 9.

On a *viva voce* vote the affirmative prevailed, the amendment was adopted, and the bill as amended was ordered to a third reading this afternoon at two o'clock.

Bills Engrossed

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled bills and joint resolutions:

Senate Bill No. 129, An act authorizing the Town of Hampton to issue serial notes or bonds.

House Joint Resolution No. 13, Joint resolution in favor of Samuel W. Tenofsky.

House Joint Resolution No. 31, Joint resolution in favor of Alfred M. Jenness.

House Bill No. 162, An act relative to payments to towns for flood control.

House Bill No. 283, An act relative to licenses for hotels.

House Bill No. 286, An act relating to the Atlantic States Marine Fisheries Commission.

House Bill No. 291, An act relative to the salary of the Mayor and establishing a department of public works in the City of Rochester.

House Bill no. 400, An act to revise the charter of the City of Franklin.

House Bill No. 414, An act providing a Council-Manager plan charter for the City of Concord.

House Bill No. 481, An act relative to merit ratings under the unemployment compensation system.

House Bill No. 496, An act relating to the appointment of Assistant Highway Commissioners and a Chief Engineer.

House Bill No. 501, An act to revise the charter of the City of Concord.

SARA E. OTIS,
For the Committee.

Special Order

Senator Daniell called for the special order, it being, Concurrent Resolution relating to the state board of education.

(Discussion ensued)

Senator Daniel moved that the bill be laid upon the table. Senator Daniell temporarily withdrew his motion.

(Discussion ensued)

Senators Hartnett and Daniell spoke in opposition to the adoption of the concurrent resolution.

Senators Noel and Pierce spoke in favor of the adoption of the concurrent resolution.

Senator Daniell moved that the bill be laid upon the table.

On a *viva voce* vote the negative prevailed, and the motion to lay upon the table was lost.

The question then being, Shall the Senate concur in the adoption of the concurrent resolution?

On a *viva voce* vote, the affirmative prevailed, and the concurrent resolution was adopted.

On motion of Senator Spollett the following resolution was adopted:

Resolved, That the rules be so far suspended as to permit all business in order for this afternoon at two o'clock be made in order at the present time.

Third Readings

The following entitled bills were read a third time and passed:

Senate Bill No. 125, An act relating to fire resistant hallways and stairways.

House Bill No. 479, An act relative to protection against Bang's disease.

Notice

Senator E. Cummings served notice on the Senate that tomorrow or some subsequent date he would ask for a reconsideration of Senate Bill No. 125, An act relating to fire resistant hallways and stairways.

On motion of Senator Butman the Senate adjourned.

WEDNESDAY, JUNE 15, 1949

The Senate met according to adjournment, with Senator O'Malley in the Chair.

House Message

The following message was received from the House of Representatives, by its Clerk:

Mr. President:

The House of Representatives has passed the following entitled bill, in the passage of which it asks the concurrence of the Honorable Senate:

House Bill No. 505, (in new draft), An act to regulate the speed of motor vehicles in public highways, and to define the word "dealer" under the motor vehicle laws.

The message further stated that the House of Representatives has voted to concur with the Honorable Senate in its adoption of the amendments offered by the Committee on Engrossed Bills to the following entitled bill:

House Bill No. 300, An act relating to obscene literature, pictures and articles.

The message further stated that the House of Representatives has voted to concur with the Honorable Senate in its amendments to the following entitled bill:

House Bill No. 185, An act relating to photographic copies of documents and records.

The message further stated that the House of Representatives has voted to concur with the Honorable Senate in the passage of the following entitled bill sent down from the Honorable Senate:

Senate Bill No. 107. An act relative to fire emergencies of military origin.

The message further stated that the House of Representatives has voted to reconsider the vote whereby it adopted the Senate amendment on House Bill No. 360. An act relating to certain tax exemptions of citizens who fought with allies of the United States, and asks for a Committee of Conference.

The Speaker appointed as members on such committee on the part of the House Messrs. Ashley of Lebanon, Stebbins of Webster and Black of Bennington.

On motion of Senator Daniell the Senate voted to accede to the request of the House of Representatives for a Committee of Conference, and the President appointed as members of such committee on the part of the Senate, Senators Daniell and Caron.

Read and Referred

The following entitled bill sent up from the House of Representatives was read a first and second time, and referred to the Committee on Transportation.

House Bill No. 505. (in new draft). An act to regulate the speed of motor vehicles on public highways.

Reconsideration

On motion of Senator McMeekin the Senate voted to reconsider its vote whereby it concurred in the adoption of the amendment offered by the Committee on Engrossed Bills to Senate Joint Resolution No. 7. Joint resolution providing for a committee to study hospital care and rates.

On motion of the same Senator the Senate voted to non-concur in the adoption of the amendment.

Committee Reports

Senator Bingham, for the Committee on Judiciary, to whom were referred:

House Bill No. 515, An act providing for a deputy registrar for the City of Manchester.

House Bill No. 521. An act relative to payment of certain monies received from the Treasurer of the United States.

Having considered the same, reported the same without amendment, and recommended their passage.

The reports were accepted, and the bills were ordered to a third reading this afternoon at two o'clock.

Senator Wiggin, for the Committee on Fisheries and Game, Forestry and Recreation, to whom were referred:

House Bill No. 335. An act relative to taking wild deer, and other game animals.

Senate Bill No. 127, An act relative to the powers of the director of fish and game.

House Bill No. 130. An act relating to taking hares and rabbits.

Having considered the same, reported the same without amendment, and recommended their passage.

The reports were accepted, and the bills were ordered to a third reading this afternoon at two o'clock.

Taken from the Table

House Bill No. 182. An act relative to division of the state for taking wild deer, was taken from the table.

The question being on the adoption of the amendments offered by the committee.

On a *viva voce* vote, the affirmative prevailed, the amendments were adopted, and the bill as amended was ordered to a third reading this afternoon at two o'clock.

Bills Engrossed

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled bills:

Senate Bill No. 8. An act in amendment of the laws relative to the Union School District in Concord.

Senate Bill No. 101. An act pertaining to conduct of operator of motor vehicle after accident.

Senate Bill No. 109. An act providing for regulation of open-air motion picture theatres.

House Bill No. 198. An act relating to the taking of deer by bow and arrow.

House Bill No. 250. An act relating to the use of the names of natural parents of adopted children in certain cases and changing method of reporting records of adoptions and divorces.

House Bill No. 476, An act providing for the classification of certain surface waters.

ALDEGE A. NOEL,
For the Committee.

Bill Recalled from the Committee on Engrossed Bills

On motion of Senator Wiggin the Senate voted to request the Committee on Engrossed Bills to return to the Senate for further consideration House Bill No. 361, An act relative to fees for special permits to move objects or vehicles and loads.

Bill Returned

Pursuant to the above request the Committee on Engrossed Bills returned to the Senate for further consideration the above entitled bill.

On motion of the same Senator the rules were suspended to reconsider the vote whereby the above entitled bill passed.

On motion of the same Senator the rules were suspended to reconsider the vote whereby the above entitled bill was passed, and ordered to a third reading.

On motion of the same Senator the Senate voted to recommit the bill to the Committee on Transportation.

Reconsideration

Senator Daniell moved that the Senate reconsider its vote whereby it passed Senate Bill No. 125, An act relating to fire resistant hallways and stairways.

On a *viva voce* vote the negative prevailed, and the motion to reconsider was lost.

Taken from the Table

On motion of Senator Noel House Bill No. 424, An act relative to registration of boats and outboard motors, was taken from the table.

The question being stated, Shall the bill be indefinitely postponed?

On a *viva voce* vote the affirmative prevailed, and the bill was indefinitely postponed.

On motion of Senator Spollett the following resolution was adopted:

Resolved, That the rules be so far suspended as to permit all business in order for this afternoon at two o'clock to be made in order at the present time.

Third Readings

The following entitled bills were read a third time and passed:

Senate Bill No. 127, An act relative to the powers of the director of fish and game.

House Bill No. 130, An act relating to taking of hares and rabbits.

House Bill No. 182, An act relative to division of the state for taking of wild deer.

House Bill No. 335, An act relative to taking wild deer, and other game animals.

House Bill No. 515, An act providing for a deputy registrar for the City of Manchester.

House Bill No. 521, An act relative to payment of certain monies received from the Treasurer of the United States.

On motion of Senator Butman the Senate adjourned.

THURSDAY, JUNE 16, 1949

The Senate met according to adjournment.

Leave of Absence

Senator Hartnett was granted a leave of absence on account of important business.

Introduction of Guest

President Bass introduced to the Senate and welcomed as guest of the Senate former Senator Proulx of Franklin and requested the sergeant-at-arms to escort Senator Proulx to the rostrum.

House Message

The following message was received from the House of Representatives, by its Clerk:

Mr. President:

The House of Representatives has passed the following entitled bills, in the passage of which it asks the concurrence of the Honorable Senate:

House Bill No. 70, An act to revise the charter of the city of Keene.

House Bill No. 525, An act to legalize proceedings of certain towns, school districts and county delegations, and to authorize other municipal action.

The message further stated that the House of Representatives has voted to concur with the Honorable Senate in the passage of the following entitled bills, sent down from the Honorable Senate:

Senate Bill No. 122, An act relating to unemployment compensation benefits for National Guard Personnel.

Senate Bill No. 137, An act relative to rights of village districts to collect garbage.

Read and Referred

The following entitled bills sent up from the House of Representatives were read a first and second time and referred to the Committee on Judiciary:

House Bill No. 70, An act to revise the charter of the city of Keene.

House Bill No. 525, An act to legalize proceedings of certain towns, school districts and county delegations, and to authorize other municipal action.

Committee Report

A majority of the Joint Committee on Agriculture and Public Health, to whom was referred:

Senate Bill 90, (in new draft), An act relating to the compulsory pasteurization of milk, skimmed milk and cream sold within the state.

Having considered the same, reported the same with the following resolution:

Resolved, That it is inexpedient to legislate.

DORIS M. SPOLLETT,
SHIRLEY BRUNEL,
A. LABAN AINSWORTH,
MARYE W. CARON,
RALPH M. WIGGIN,

For a Majority of the Committee.

A minority of the Joint Committee on Agriculture and Public Health, to whom was referred:

Senate Bill No. 90, (in new draft and with new title), An act relating to the compulsory pasteurization of milk, skimmed milk and cream sold within the state.

Having considered the same, reported the same without amendment, and recommended its passage.

CHARLES HARTNETT,
ROBERT BINGHAM,

For a Minority of the Committee.

The report of the majority was accepted.

On motion of Senator Spollett the above entitled bill with its accompanying report was laid on the table and made a special order for Wednesday, June 22, at 11:01.

Bill Recalled from the Governor

On motion of Senator Pierce the following resolution was adopted:

Resolved, That His Excellency, the Governor, be requested to return to the Senate for further consideration, House Bill No. 283, An act relating to licenses for hotels.

Bill Returned from the Governor

Pursuant to the above request, His Excellency, the Governor returned to the Senate for further consideration, the above entitled bill.

On motion of Senator Pierce the Senate voted to suspend the rules to allow a reconsideration of the vote on House Bill No. 283, An act relating to licenses for hotels.

On motion of the same Senator the Senate voted to reconsider the vote whereby the bill passed.

On motion of the same Senator the Senate voted to reconsider the vote whereby the bill was ordered to a third reading.

Senator Pierce offered the following amendment and moved its adoption:

Amend section 3 of the bill by striking out the same and substituting in place thereof the following:

SECTION 3. *Takes Effect.* This act shall take effect June 1, 1950.

On a *viva voce* vote the amendment was adopted, and the bill as amended was ordered to a third reading this afternoon at two o'clock.

Reconsideration

On motion of Senator Noel the Senate voted to reconsider its vote whereby it killed House Bill 424, An act relative to registrations of boats and outboard motors.

On motion of Senator Noel the Senate voted to re-commit the above entitled bill to the Committee on Ways and Means.

Concurrent Resolution

Senator Noel offered the following concurrent resolution and moved that the concurrent resolution be laid upon the table and made a special order of business for next Tuesday, June 21, at 11:01 o'clock.

Whereas, It appears that all necessary legislative work, with the exception of revenue measures, may be accomplished by Friday, June 24th, therefore be it

Resolved, By the Senate, the House of Representatives concurring, that the present session of the Legislature be prorogued on Friday, June 24th, instant, at five o'clock in the afternoon, and be it further

Resolved, That on that date all reports, bills and joint resolutions, with the exception of such as have been referred to the next Legislature, be indefinitely postponed.

(Discussion ensued)

Senators Daniell and Noel spoke in favor of the motion.

Senator O'Malley spoke in opposition.

Senator Pierce moved that the concurrent resolution be indefinitely postponed.

Senators C. Cummings, Bingham, Spollett, McMeekin spoke in favor of the motion.

Senator Ainsworth moved the previous question, it being, Shall the main question now be put?

On a *viva voce* vote the affirmative prevailed, and the motion carried.

The question now being, Shall the resolution be indefinitely postponed?

On a *viva voce* vote the affirmative prevailed, and the resolution was indefinitely postponed.

Communication

The following communication was received from the Clerk of the State Legislature of Connecticut in regard to World Government.

STATE OF CONNECTICUT

Resolved by this Assembly:

Whereas, War is now a threat to the very existence of our civilization, because modern science has produced weapons of war which are overwhelmingly destructive and against which there is no sure defense; and

Whereas, The effective maintenance of world peace is the proper concern and responsibility of every American citizen; and

Whereas, The people of the State of Connecticut, while now enjoying domestic peace and security under the laws of their local, state and federal government, deeply desire the guarantee of world peace; and

Whereas, All history shows that peace is the product of law and order, and that law and order are the product of government; and

Whereas, The United Nations, as presently constituted, although accomplishing great good in many fields, lacks authority to enact, interpret or enforce world law, and under its present Charter is incapable of restraining any major nations which may foster or foment war; and

Whereas, The Charter of the United Nations expressly provides, in Articles 108 and 109, a procedure for reviewing and altering the Charter, and

Whereas, Several nations have recently adopted constitutional provisions to facilitate their entry into a world federal government by authorizing a delegation to such a world federal government of a portion of their sovereignty to endow it with powers adequate to prevent war; and

Whereas, The State of Connecticut has memorialized Congress, both through passage by the General Assembly in 1943 of the so-called Humber resolution, and through the World Government Referendum of 1948, overwhelmingly approved by the voters of the state, to initiate steps toward the creation of a world federal government; now, therefore, be it

Resolved, By the Senate and House of Representatives of the General Assembly of the State of Connecticut, that application is hereby made to the Congress of the United States, pursuant to Article V of the Constitution of the United States, to call a convention for the sole purpose of proposing amendments to the Constitution which are appropriate to authorize the United States to negotiate with other nations, subject to later ratification, a constitution of a world federal government, open to all nations, with limited powers adequate to assure peace, or amendments to the Constitution which are appropriate to ratify any world constitution which is presented to the United States by the United Nations, by a world constitutional convention or otherwise; and be it further

Resolved, That the Secretary of the State of Connecticut is hereby directed to transmit copies of this application to the Senate and the House of Representatives of the Congress, to the members of the said Senate and House of Representatives from this state, and to the presiding officers of each of the legislatures in the several states, requesting their cooperation.

Given under my hand and the seal of the State, this
First day of June, in the year of our Lord one
thousand nine hundred and forty-nine.

CHESTER BOWLES,
Governor.

By His Excellency's Command:
WINIFRED McDONALD,
Secretary.

Bills Engrossed

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled bills:

Senate Bill No. 107, An act relative to fire emergencies of military origin.

Senate Bill No. 112, An act relating to damages under the death statutes.

Senate Bill No. 120, An act relating to reports by registers of deeds.

Senate Bill No. 124, An act relative to lease receipts on land taken for flood control.

House Bill No. 300, An act relating to obscene literature, pictures and articles.

ALDEGE A. NOEL,
For the Committee.

On motion of Senator Spollett the following resolution was adopted:

Resolved, That the rules be so far suspended as to permit all business in order for this afternoon at two o'clock to be made in order at the present time.

Third Readings

The following entitled bill was read a third time and passed:

House Bill No. 283, An act relating to licenses for hotels.

On motion of Senator Tarlson the following resolution was adopted:

Resolved, That when the Senate adjourns today it be to meet Tuesday morning at 11 o'clock.

Permission for use of the Senate Chamber was granted to Senator Dole for the Committee on Labor to hold a public hearing on Tuesday June 21, at 1 P. M.

On motion of Senator Butman the Senate adjourned.

TUESDAY, JUNE 21, 1949

The Senate met according to adjournment.

Leaves of Absence

Senator Reinhart was granted a leave of absence for the week on account of important business.

Senator Wiggin was granted a leave of absence for the day on account of important business.

House Message

The following message was received from the House of Representatives, by its Clerk:

Mr. President:

The House of Representatives has passed the following entitled bills, in the passage of which it asks the concurrence of the Honorable Senate:

House Bill No. 308, An act relating to diseases of domestic animals.

House Bill No. 412, (in new draft), An act relative to the state board of fire control.

The message further stated that the House of Representatives had voted to concur with the Honorable Senate in its amendments to the following entitled bills:

House Bill No. 182, An act relative to division of the state for taking wild deer.

House Bill No. 479, An act relative to protection against Bang's disease.

The message further stated that the House of Representatives had voted to concur with the Honorable Senate in the passage of the following entitled bills, sent down from the Honorable Senate:

Senate Bill No. 131, An act relative to partition proceedings.

Senate Bill No. 133, An act providing for mutual aid service in connection with fires.

The message further stated that the House of Representatives had voted to adopt the amendments offered by the Committee on Engrossed Bills, to the following House bill, in the

adoption of which amendment the House of Representatives asked the concurrence of the Honorable Senate:

House Bill No. 519, An act increasing fees paid to the Secretary of State for corporation and partnership registrations, licenses, engrossing private acts, election accounts and miscellaneous documents.

Amend section 20 of said bill by striking out the first three lines and inserting in place thereof the following:

20. *Liens on Logs.* Amend paragraph (c) of section 14-a of chapter 264 of the Revised Laws as inserted by chapter 184 of the Laws of 1949 by striking out the word "five" and inserting in

On motion of Senator Noel the Senate voted to concur in the adoption of the amendments offered by the Committee on Engrossed Bills, sent up from the House of Representatives.

Read and Referred

The following entitled bills sent up from the House of Representatives were read a first and second time and referred:

To the Committee on Agriculture:

House Bill No. 308, An act relating to diseases of domestic animals.

To the Committee on Judiciary:

House Bill No. 412, (in new draft), An act relative to the state board of fire control.

Committee Report

Senator Noel, for the Committee on Ways and Means, to whom was referred:

House Bill No. 221, An act to authorize the construction and financing of sewer system by the town of Meredith.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted, and the bill was ordered to a third reading this afternoon at two o'clock.

Committee of Conference Report

The Committee of Conference, to whom was referred Senate Bill No. 121, An act relating to Assistant Pharmacists, having considered the same recommend that the Senate recede from its position of non-concurrence in the adoption of the amendment, as proposed by the House of Representatives, and concur with the House of Representatives in the adoption of that amendment and further recommend that the House of Representatives and Senate adopt the following amendment:

Amend the bill by adding a new section 3a: Amend Section 33 of Chapter 256 of the Revised Laws by striking out the words "may prescribe educational requirements or standards for the admission of candidates for registration, and it." so that said section as amended shall read as follows:

33. *Regulations.* The board of pharmacy shall make rules and regulations which are to govern it and all employees in the enforcement of this chapter. It shall prescribe and publish all application forms and blanks required under this chapter.

SARAH E. OTIS,
NORMAN A. McMEEKIN,
Conferees on Part of Senate.

NORMA M. STUDLEY,
LEONARD B. PEEVER,
HARLAN F. BESSE,
Conferees on Part of House.

On a *viva voce* vote, the affirmative prevailed, and the Committee of Conference report was adopted.

Committee of Conference Report

The Committee of Conference, to whom was referred House Bill No. 360, An act relating to certain tax exemptions of citizens who fought with allies of the United States, having considered the same, recommend that the House of Representatives recede from its position in concurring in the adoption of the amendment sent down from the Senate, and that the Senate recede from its position in adopting the amendment. And they further recommend that the House and Senate adopt the following amendment:

1. *Poll Taxes.* Amend section 1 of chapter 73 of the Revised Laws as amended by chapter 5 of the Laws of 1944 by striking out all of said section and inserting in place thereof the following:

1. *Person Liable.* A poll tax of two dollars shall be assessed on every inhabitant of the state from twenty-one to seventy years of age whether a citizen of the United States or an alien, except paupers, insane persons, the widow of any veteran who served in the armed forces of the United States in any wars in which it has been engaged, the widow of any citizen who served in the armed forces of any country allied with the United States in any of the wars as defined by chapter 167 of the Laws of 1949, and section 29-C chapter 73 of the Revised Laws as inserted by chapter 240 of the Laws of 1947, and others exempt by special provisions of law.

JEROLD M. ASHLEY,
ARTHUR C. STEBBINS,
EDWARD C. BLACK,
Conferees on Part of House.

EUGENE DANIELL, JR.,
MARY WALSH CARON,
Conferees on Part of Senate.

On a *viva voce* vote the affirmative prevailed, and the Committee of Conference report was adopted.

Bills Engrossed

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled joint resolution and bills:

Senate Joint Resolution No. 7, Joint resolution providing for a committee to study hospital care and rates.

Senate Bill No. 122, An act relating to unemployment compensation benefits for national guard personnel.

Senate Bill No. 137, An act relative to rights of village districts to collect garbage.

House Bill No. 130, An act relating to taking hares and rabbits.

House Bill No. 515, An act providing for a deputy registrar for the city of Manchester.

House Bill No. 521, An act relative to payment of certain monies received from the treasurer of the United States.

ALDEGE A. NOEL,
For the Committee.

On motion of Senator Spollett the following resolution was adopted:

Resolved, That the rules be so far suspended as to permit all business in order for this afternoon at two o'clock to be made in order at the present time.

Third Readings

The following entitled bill was read a third time and passed.

House Bill No. 221, An act to authorize the construction and financing of a sewer system by the town of Meredith.

Personal Privilege

Senator Bingham rose to a point of personal privilege, and expressed his feeling with regard to hearings on the budget bills now in the Finance Committee of the Senate.

Senator Noel rose to a point of personal privilege, and stated that there would be public hearings on certain portions of the budget bills at some later date.

On motion of Senator Butman the Senate adjourned.

WEDNESDAY, JUNE 22, 1949

The Senate met according to adjournment.

House Message

The following message was received from the House of Representatives, by its Clerk:

Mr. President:

The House of Representatives has passed the following entitled bills, in the passage of which it asks the concurrence of the Honorable Senate:

House Bill No. 175, An act relating to the distribution, sale, or transportation of insecticides, fungicides, rodenticides, and other economic poisons.

House Bill No. 527, An act to establish a new apportionment for the assessment of public taxes.

The message further stated that the House of Representatives has voted to adopt the Committee of Conference report on the following entitled bills.

House Bill No. 360, An act relating to certain tax exemptions of citizens who fought with allies of the United States.

Senate Bill No. 121, An act relating to assistant pharmacists.

The message further stated that the House of Representatives has voted to adopt the amendments offered by the Committee on Engrossed Bills, to the following Senate bill in the adoption of which amendments the House of Representatives asks the concurrence of the Honorable Senate:

Senate Bill No. 135, An act relative to the incorporation of Granite Lodge No. 1056, Loyal Order of Moose of Berlin, New Hampshire.

Amend section 1 of said bill by striking out the first line and inserting in place thereof the following:

1. *Change of Name.* Amend section 1 of chapter 290 of the Laws of 1915 being the charter of Granite

Amend section 2 of said bill by striking out the first line and inserting in place thereof the following:

2. *Property Holding.* Amend section 3 of said chapter 290 by striking out the

Amend section 3 of said bill by striking out the first line and inserting in place thereof the following:

3. *First Meeting.* Amend section 4 of said chapter 290 by striking out the

On motion of Senator Noel the Senate voted to concur in the adoption of the amendment offered by the Committee on Engrossed Bills, sent up from the House of Representatives.

The message further stated that the House of Representatives concurs with the Honorable Senate in the passage of the following bill with amendments, in the passage of which

amendments the House of Representatives asks the concurrence of the Honorable Senate:

Senate Bill No. 100, An act in relation to municipal utilities.

1. *Public Service Commission.* Before any town, village district or precinct shall vote to appropriate money or issue bonds or notes for the acquisition of any existing public utility, or for the construction of a public utility, or for the reconstruction or enlarging of a municipally owned utility, the selectmen of the town or the commissioners of the village district or the commissioners of any precinct may submit, and upon written application of fifty or more qualified voters or one fourth of the qualified voters of said town, district or precinct, shall, submit to the public service commission the general details of the plan and the amount proposed to be expended together with engineering plans and specifications.

2. *Hearing.* Said commission shall after notice hold a public hearings at which time it shall receive evidence from any interested parties, and shall on its own motion investigate the public need for such acquisition, construction, reconstruction or enlarging and the feasibility of said proposed plan.

3. *Findings.* Said commission shall within thirty days after said hearing issue a report which shall contain its findings on said plan as proposed, with the reasons therefor, and shall cause it to be published in a newspaper of general circulation in said town, and shall also submit a copy of said report to the selectmen or precinct commissioners of said town, village district or precinct. Before any vote is taken by said town, village district or precinct to appropriate money or issue bonds or notes for any of the purposes above mentioned said findings of the public service commission shall be read to the meeting by the moderator or the chairman.

4. *Takes Effect.* This act shall take effect upon its passage.

On motion of Senator McMeekin the Senate voted to concur in the adoption of the amendment sent down from the House of Representatives.

Read and Referred

The following entitled bills, sent up from the House of Representatives, were read a first and second time and referred:

To the Committee on Agriculture:

House Bill No. 175, An act relating to the distribution, sale, or transportation of insecticides, fungicides, rodenticides, and other economic poisons.

To the Committee on Ways and Means:

House Bill No. 527, An act to establish a new apportionment for the assessment of public taxes.

Committee Reports

Senator Bingham, for the Committee on Judiciary, to whom was referred:

House Bill No. 70, An act to revise the charter of the city of Keene.

Having considered the same, reported the same with the following amendment and recommended that the bill as amended ought to pass.

Amend section 17 of the bill by striking out in the first and second lines the words, "at least six", and inserting in place thereof the words, a majority of the, so that said section as amended shall read as follows:

17. *Removal.* The manager may be removed by a vote of a majority of the members of the Council as herein provided. At least thirty days before the proposed removal of the manager, the Council shall adopt a resolution stating its intention to remove him and the reason therefor, copy of which shall be served forthwith on the manager, who may within ten days demand a public hearing, which must be called by the council to be held not earlier than fourteen nor later than twenty days from the date of such demand. Upon or after passage of such a resolution, the Council may suspend him from duty, but his pay shall continue until his removal. In case of such a suspension the Council may appoint an acting manager to serve at the pleasure of the Council for not more than ninety days. The action of the Council in removing the manager shall be final.

Further amend the bill by inserting after sub-division III the following new sub-division:

III-A. School Committee

14-a. *School Committee, Election.* There shall be a school committee for said city, to consist of five elective members, together with the Mayor of said city, who shall *ex officio* be a member thereof, but who shall have the right to cast a vote only in case of a tie in any vote, resolution or other question before said committee. The term of service of all members of said committee as now constituted shall terminate on December 31 of the year in which this charter shall be adopted by referendum under the provisions of section 73 of this act. At the biennial municipal election to be held in the month of November of said year, said five school committee members shall be elected at large by the voters of the city of Keene, the three candidates receiving the highest number of votes at said election to serve for a term of four years, and the candidates receiving the fourth and fifth highest number of votes to serve for a term of two years each, the terms of such five elected members to begin on the first day of January of the following year; at each biennial municipal election thereafter, a sufficient number of members shall be elected at large to fill the terms expiring on the first day of January of the year following said election, and the members so elected shall serve for terms of four years each, beginning on said first day of January. Provided, however, that no political party caucus, primaries or convention shall nominate any candidate for said school committee, and the names of candidates for school committee shall appear on the ballots without any political designation whatsoever; and provided further that the ballot for school committee shall contain the names only of such residents of Keene as shall have filed with the City Clerk, not less than thirty days before the date of the biennial municipal election, a written notice of intention to be a candidate at such election. Vacancies occurring in said school committee from any cause shall be filled by majority vote of entire council for the unexpired term.

The report was accepted, and the bill, with its accompanying amendment, was laid upon the table to be printed under the rules.

Senator Pierce moved that the order whereby the bill and its amendment was laid upon the table to be printed, be vacated and that action be taken on the amendment at the present time.

(Discussion ensued)

Senators Pierce and Otis spoke in favor of the motion.

Senators McMeekin and Bingham spoke in opposition to the motion.

The question being stated, Shall action be taken on the amendment at the present time?

On a *viva voce* vote the affirmative prevailed.

Senator McMeekin requested a division.

Seventeen senators having voted in the affirmative and four senators having voted in the negative, the affirmative prevailed and the motion was carried.

The question now being on the adoption of the amendment offered by the committee.

Senator Daniell moved that the Senate act on each amendment separately.

On a *viva voce* vote the Chair was in doubt.

President Bass requested a division.

Seven senators having voted in the affirmative and fourteen senators having voted in the negative, the negative prevailed and the motion was lost.

Senator Noel moved that the words, ought to pass, be substituted for the words, ought to pass with amendment.

(Discussion ensued)

Senator E. Cummings spoke in favor of the substitution.

Senators Daniell, Hartnett and Bingham spoke in opposition to the substitution.

The question being stated, Shall the words, ought to pass, be substituted for the words, ought to pass with amendment?

On a *viva voce* vote the affirmative prevailed, and the motion to substitute carried, and the bill was ordered to a third reading this afternoon at two o'clock.

Senator Bingham, for the Committee on Judiciary, to whom was referred:

House Bill No. 236, An act relating to small claims.

Having considered the same, reported the same with the following resolution:

Resolved, That it is inexpedient to legislate.

The report was accepted, and the recommendation of the committee was adopted.

Senator Bingham, for the Committee on Judiciary, to whom was referred:

House Bill No. 329, An act amending the charter of the city of Dover.

Having considered the same, reported the same with the following amendment, and recommended that the bill as amended ought to pass.

Amend the bill by striking out all after the enacting clause and substituting in place thereof the following:

1. *Term of Office.* Amend section 15 of chapter 385 of the Laws of 1947 by adding after the word "term" in the third line, the words, and at the pleasure of the council; so that said section as amended shall read as follows:

15. *Manager.* The chief administrative officer of the city shall be called the manager. The council shall appoint as manager for an indefinite term and at the pleasure of the council, and fix the salary of, a qualified person who received the votes of at least six members of the council. The first council elected under this charter shall appoint a manager within three months after the effective date of this charter. During the month of January following each regular biennial election under this charter, the council shall vote on the question of whether the city manager shall be retained in the employ of the city and shall fix the salary of the city manager: unless at a meeting within said month of January a majority of the entire council shall vote in favor of a resolution for the continuance of the employment of said manager for an indefinite term and at the pleasure of the council, and shall fix the salary of the manager, the manager shall cease to be employed by the city and shall cease to be entitled to salary and compensation as of the first day of February of said year, and in such event the council may appoint a temporary manager at such salary as it may determine and for a period not in excess of ninety days, and shall appoint a

manager within three (3) months after said first day of February of such year.

2. *Removal.* Amend section 17 of chapter 385 of the Laws of 1947 by adding at the end of the second sentence the following new sentence: Nothing herein shall be construed to require that legal or other cause be shown to bring about the removal of the manager, it being the purpose of this Charter to permit the removal of the manager for any reason; so that said section as amended shall read as follows:

17. *Removal.* The manager may be removed by a majority vote of the members of the council as herein provided. At least thirty days before the proposed removal of the manager, the council shall adopt a resolution stating its intention to remove him and the reasons therefor, a copy of which shall be served forthwith on the manager who may, within ten days, demand a public hearing in which event the manager shall not be removed until such public hearing has been held. Nothing herein shall be construed to require that legal or other cause be shown to bring about the removal of the manager, it being the purpose of this charter to permit the removal of the manager for any reason. Upon or after passage of such a resolution, the council may suspend him from duty, but his pay shall continue until his removal. In case of such a suspension the council may appoint an acting manager to serve at the pleasure of the council for not more than ninety days. The action of the council in removing the manager shall be final.

3. *Liability for Discharge.* Amend section 50 of chapter 385 of the Laws of 1947 by adding after the word "fixed" in the third line the words "or indefinite;" so that said section as amended shall read as follows:

50. *Liability for Discharge.* The removal in accordance with this charter with or without cause of a person elected or appointed or otherwise chosen for a fixed or indefinite term shall give no right of action for breach of contract or otherwise.

4. *Takes Effect.* This act shall take effect upon its passage.

The Clerk proceeded to read the amendment.

Senator Hartnett moved that the rules be so far suspended as to dispense with further reading of the amendment.

On a *viva voce* vote, the negative prevailed, the motion was lost, and the above entitled bill and its accompanying amendment was laid on the table to be printed in the Journal under the rules.

Senator Bingham, for the Committee on Judiciary, to whom was referred:

House Bill No. 377, An act relative to the charter of the city of Dover.

Having considered the same, reported the same with the following amendment, and recommended that the bill as amended ought to pass:

Amend section 1 of said bill by striking out said section and inserting in place thereof the following:

1. *Referendum.* A special election shall be held in the city of Dover on Tuesday, October 4, 1949, for the purpose of determining whether the present charter of the city of Dover shall be rescinded. The city clerk shall have printed on official ballots the following question: "Shall the city continue the present city-manager form of government?" Beside this question shall be printed the word "Yes" and the word "No" with a square immediately opposite each said word in which the voter may indicate his choice. The referendum provided for herein shall be conducted in the same manner as regular municipal elections. If a majority of those voting on this question vote in the negative on this question, the present charter shall be declared to have been rescinded except in so far as the provisions of section 14-a of chapter 385 of the Laws of 1947 are concerned, and all persons elected and other actions taken pursuant to said section 14-a shall continue in full force and effect. In case the present charter is rescinded, as herein-before provided, such rescission shall become effective on the first Wednesday of January, 1950, and on that date the terms of office of councilmen and mayor elected under the provisions of said rescinded charter shall terminate and on the same date the office of city manager shall terminate. On said date the terms of office of all officers, trustees and commissioners elected or appointed by the city council, the mayor or city manager, under chapter 285 of the Laws of 1945 shall terminate, pro-

vided that such officers, trustees and commissioners shall continue in office until their respective successors have been duly elected or appointed and qualified. If the present charter is rescinded at said special election, the question "Shall the city continue the present strong mayor form of government?" shall be voted on at the regular municipal election in 1951 if at least ten per cent of all qualified voters shall sign a petition requesting such vote, such petition to be submitted to the city clerk at least thirty days prior to said election and if a majority of those present and voting shall vote in the negative, the charter enacted as a result of the rescission of the present charter at the referendum of October 4, 1949, shall be declared to have been rescinded. Such rescission shall become effective the first Wednesday of January next following such vote and on that date the terms of office of councilmen and mayor elected under the provisions of said rescinded charter shall terminate. The terms of office of all officers, trustees or committees elected or appointed by the city council or mayor before said charter shall have been rescinded shall terminate on the first Wednesday of January next following such vote, provided that such officers, trustees and committees shall continue in office until their respective successors have been duly elected or appointed and qualified. In the event that the 1951 regular municipal election shall so rescind the then city charter, the city of Dover shall be governed by the provisions of chapter 385 of the Laws of 1947. The provisions of said chapter 385 are hereby suspended during any period when the same has been rescinded.

If the present charter is not rescinded at the referendum of October 4, 1949, the question "Shall the city continue the present city-manager form of government?" shall be voted on at the regular municipal election in 1951 if at least ten per cent of all qualified voters shall sign a petition requesting such vote, such petition to be submitted to the city clerk at least thirty days prior to said election and if a majority of those present and voting shall vote in the negative, the present charter shall be declared to have been rescinded, except insofar as the provisions of section 14-a of chapter 385 of the Laws of 1947 are concerned, as hereinbefore provided, such rescission to become effective on the first Wednesday of January, 1952, and on that date the terms of office of councilmen

and mayor elected under the provisions of said rescinded charter shall terminate and on the same date the office of city manager shall terminate, and the terms of office of all officers, trustees and commissioners elected or appointed by the city council, the mayor or city manager shall terminate, provided that such officers, trustees and commissioners shall continue in office until their respective successors have been duly elected or appointed and qualified. In the event of such rescission by vote in 1951, the city shall be governed by the provisions of the charter set forth in section two of this act in addition to section 14-a of chapter 385 of the Laws of 1947, and the special election shall be held on the first Tuesday of December, 1951.

Amend the first paragraph of section 2 of said bill by striking out said section and inserting in place thereof the following:

2. *New Charter.* If the present city-manager form charter is rescinded at the special election in October, 1949, as provided in section 1, the regular election shall be held on the first Tuesday of November, 1949, and the city of Dover shall be governed by the provisions of the following charter in addition to section 14-a of chapter 385 of the Laws of 1947. If a vote is taken on the question "Shall the city continue the present strong-mayor form of government?" at the regular municipal election in 1951 as provided in section 1, and the majority of those present and voting in the negative, the special election shall be held on the first Tuesday of December next following.

Further amend said bill by striking out section 21.

The report was accepted, and the bill and its accompanying amendment was laid on the table to be printed in the Journal under the rules.

Senator Bingham, for the Committee on Judiciary, to whom was referred:

House Bill No. 520, An act to repeal charters of certain corporations.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted, and the bill was ordered to a third reading this afternoon at two o'clock.

Senator Bingham, for the Committee on Labor, to whom was referred:

House Bill No. 456, An act relating to hearing and awards by the Labor Commissioner or Superior Court under the workmen's compensation law.

Having considered the same, reported the same with the following amendment, and recommended that the bill as amended ought to pass:

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1. *Workmen's Compensation.* Amend section 35 of chapter 216 of the Revised Laws as inserted by chapter 266 of the Laws of 1947 by striking out the same and inserting in place thereof the following: 35. *Hearings and Awards.* If the compensation is not fixed by agreement, either party may petition for hearing and award in the premises either to the commissioner of labor or to the superior court. If the petition for hearing and award in the premises is made by either party to the commissioner of labor, said commissioner shall set a time and place for hearing and give at least fourteen days' notice thereof to the parties by giving notice in hand or by registered mail sent to his last known place of abode. At such hearing full consideration shall be given to all evidence which may be presented, and within thirty days thereafter said commissioner shall make his award setting forth his findings of fact and the law applicable thereto, and shall forthwith send to each of the parties a copy of such award. Petition for hearing and award in the premises may be made by either party to the superior court, either direct or on appeal from an award made by the commissioner of labor, the venue to be according to civil actions *in personam* between the same parties, and the court shall set a time and place for hearing and order at least fourteen days' notice thereof to the parties; if a petition to the superior court as herein provided is made subsequent to a hearing before the said commissioner, such petition shall be filed within sixty days of the date of said commissioner's award. At such hearing a full trial shall be had before a justice of the superior court, without jury, and within thirty days thereafter the court shall make its award setting forth its findings of fact and the law applicable thereto, and the clerk

of court shall forthwith send to each of the parties and to the commissioner of labor copies of such award.

2. *Appeals.* Amend chapter 216 of the Revised Laws as inserted by chapter 266 of the Laws of 1947 by inserting after section 35 the following new section: 35-a. *Petition for Right.* Any person, aggrieved by a decision of the commissioner, who was prevented from appealing therefrom within sixty days through mistake, accident, or misfortune, and not his own neglect, may petition the superior court at any time within one year thereafter, to be allowed an appeal, setting forth his interest, his reason for appealing and the causes of his delay.

3. *Hearings.* Amend section 36 of chapter 216 of the Revised Laws as inserted by chapter 266 of the Laws of 1947 by striking out the same and inserting in place thereof the following: 36. *Manner of Giving Notice of Hearing.* Notices of hearings under the provisions of this chapter shall be given by giving notice in hand or by sending it by registered mail, addressed to the employee, employer, and to said employer's insurance company at his, or its, last known residence or place of business. A copy of each notice of a hearing set by the superior court shall be sent by registered mail to the commissioner of labor.

4. *Awards and Agreements.* Amend section 38 of chapter 216 of the Revised Laws as inserted by chapter 266 of the Laws of 1947 by striking out the same and inserting in place thereof the following: 38. *Modification; Effect.* Upon application of any party in interest upon the ground of change in the conditions, mistake as to nature or extent of injury or disability, fraud, undue influence or coercion, the commissioner of labor or the superior court, whichever made the original award, may, not later than one year after the date of the last payment fixed by the award, review said award, and upon such review, may make an order ending, diminishing or increasing the compensation previously awarded, subject to the maximum or minimum provided in this chapter and shall state its conclusions of fact and rulings of law. Such a review shall not affect such award as regards any money already paid. All procedure on such an application shall be the same as herein provided for original hearings.

5. *Limitations.* Amend paragraph I of section 8-a of chapter 216 of the Revised Laws as inserted by chapter 205 of the Laws of 1949 by striking out said paragraph and inserting in place thereof the following: I. A policy of workmen's compensation insurance covering the liability of an employer under the provisions of this chapter shall not be cancelled within the time limited in such policy for its expiration until at least thirty days after a notice of intention to cancel such policy on a date specified in such notice has been filed in the office of the commissioner and also served on the employer. Provided, however, that the limitation on the cancellation of a policy as provided in this paragraph shall not apply if the employer has replaced said policy with another carrier.

6. *Takes Effect.* This act shall take effect as of July 1, 1949.

The report was accepted and the bill, with its accompanying amendment, was laid upon the table to be printed in the Journal, under the rules.

Senator Bingham, for the Committee on Labor, to whom was referred:

House Bill No. 517, An act relative to the administration of the unemployment compensation law.

Having considered the same, reported the same with the following amendment and recommended that the bill as amended ought to pass.

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

Amend section 2 of the bill by striking out the whole of said section and inserting in place thereof the following: 2. *Judicial Review.* Amend subsection G, section 5 of chapter 218 of the Revised Laws, as amended by section 15, chapter 59 of the Laws of 1947, by striking out the whole of said subsection and inserting in place thereof the following: G. *Judicial Review.* Any interested party, and for the purposes of this subsection the commissioner shall be deemed to be an interested party, aggrieved by any decision in proceedings under the provisions of this section may, after exhaustion of other administrative remedies provided herein, if any, and within ten days after the date of notification or mailing of such decision, obtain judicial review thereof by filing in the

superior court for the county in which is located the employment bureau or branch in which the original claim was filed, a petition for review of such decision, and in such proceeding any other party to the proceeding before the appeal tribunal shall be made a party respondent. The petition for review need not be verified but shall state the grounds upon which such review is sought. If the commissioner is a party respondent, the petition shall be served upon him by leaving with him, or such representative as he may designate for that purpose, as many copies of the petition as there are respondents. With his answer or petition the commissioner shall certify and file with the court a certified copy of the record of the case, including all documents and papers and a transcript of all testimony taken in the matter, together with the appeal tribunal's findings, conclusions and decision therein. Upon the filing of a petition for review by the commissioner, or upon the service of the petition upon him or his representative, the commissioner shall forthwith send by registered mail to each other party to the proceeding a copy of such petition, and such mailing shall be deemed to be completed service upon all such parties. In any proceeding under this subsection the findings of the appeal tribunal as to the facts, if supported by evidence and in the absence of fraud, shall be conclusive, and the jurisdiction of said court shall be confined to questions of law. Such proceedings shall be heard in a summary manner and shall be given precedence over all other civil cases except cases arising under the workmen's compensation law of this state. An appeal may be taken from the decision of the superior court of New Hampshire, in the same manner, but not inconsistent with the provisions of this chapter, as is provided in civil cases. It shall not be necessary, in any judicial proceedings under this subsection, to enter exceptions to the rulings of the appeal tribunal, and no bond shall be required for entering such appeal. The commissioner may of his own motion transfer to the supreme court any question of law arising in the administration of this chapter. A petition for judicial review shall not act as a supersedeas or stay unless the commissioner shall so order. Upon the final determination of such judicial proceeding, the commissioner shall enter an order in accordance with such determination.

The report was accepted and the above entitled bill, and its accompanying amendment, was laid upon the table to be printed, under the rules.

Senator Wiggin, for the Committee on Fisheries and Game, Forestry and Recreation, to whom was referred:

House Bill No. 485, An act opening Shannon Brook in Moultonborough to smelt fishing.

Having considered the same, reported the same without amendment and recommended its passage.

The report was accepted and the bill was ordered to a third reading this afternoon at two o'clock.

Bills Engrossed

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled bills:

Senate Bill No. 131, An act relative to partition proceedings.

Senate Bill No. 133, An act providing for mutual aid service in connection with fires.

House Bill No. 182, An act relative to division of the State for taking wild deer.

House Bill No. 519, An act increasing fees paid to the Secretary of State for corporation and partnership registrations, licenses, engrossing private acts, election recounts and miscellaneous documents.

ALDEGE A. NOEL,
For the Committee.

Special Order

Senator Spollett called for the special order, it being Senate Bill No. 90, (in new draft and with new title), An act relating to the compulsory pasteurizing of milk, skimmed milk and cream sold within the state.

The question being on the consideration of the committee reports.

Senator Hartnett moved that the report of the minority, ought to pass, be substituted for that of the majority, inexpedient to legislate, and with that motion pending, it be made a special order for Tuesday, June 28, at 11:01.

On a *viva voce* vote the negative prevailed.

The question being stated, Shall the report of the minority be substituted for that of the majority?

(Discussion ensued)

Senators Hartnett, Bingham and Otis spoke in favor of the motion.

Senators Spollett, E. Cummings, Ainsworth and McMeekin spoke in opposition to the motion.

On a *viva voce* vote the negative prevailed, and the motion to substitute was lost.

Senator Harnett requested a division.

Three Senators having voted in the affirmative and eighteen Senators having voted in the negative, the negative prevailed.

The question now being on the adoption of the resolution of the committee, inexpedient to legislate.

On a *viva voce* vote the affirmative prevailed, and the resolution of the committee was adopted.

On motion of Senator Spollett the following resolution was adopted:

Resolved, That the rules be so far suspended as to permit all business in order for this afternoon at two o'clock to be made in order at the present time.

Third Readings

The following entitled bills were read a third time and passed:

House Bill No. 70, An act to revise the charter of the city of Keene.

House Bill No. 485, An act opening Shannon Brook in Moultonborough to smelt fishing.

House Bill No. 520, An act to repeal charters of certain corporations.

Reconsideration

Senator Pierce moved that the Senate reconsider its vote on House Bill No. 70, An act to revise the charter of the city of Keene.

On a *viva voce* vote the negative prevailed, and the motion to reconsider was lost.

Senator Spollett moved that the Senate reconsider its vote on Senate Bill No. 90, (in new draft and with new title), An act relative to the compulsory pasteurizing of milk, skimmed milk and cream sold within the state.

On a *viva voce* vote the negative prevailed, and the motion to reconsider was lost.

On motion of Senator Butman the Senate adjourned.

THURSDAY, JUNE 23, 1949

The Senate met according to adjournment.

Leave of Absence

Senator Ainsworth was granted a leave of absence for the day on account of important business.

House Message

The following message was received from the House of Representatives, by its Clerk:

Mr. President:

The House of Representatives has voted to concur with the Honorable Senate in the passage of the following entitled bill, sent down from the Honorable Senate.

Senate Bill No. 106, An act establishing the date of Fast Day.

Taken from the Table

House Bill No. 329, An act amending the charter of the city of Dover, was taken from the table.

The question being on the adoption of the amendments offered by the committee.

On motion of Senator Noel the above entitled bill with its accompanying amendments was laid on the table and made a special order for Tuesday, June 28 at 11:01.

House Bill No. 377, An act relative to the charter of the city of Dover, was taken from the table.

The question being on the adoption of the amendments offered by the committee.

On motion of Senator Noel the above entitled bill with its accompanying amendments was laid on the table and made a special order for Tuesday, June 28 at 11:02.

House Bill No. 517, An act relative to the administration of the unemployment compensation law, was taken from the table.

The question being on the adoption of the amendments offered by the committee.

On a *viva voce* vote the amendments were adopted, and the bill as amended was ordered to a third reading this afternoon at two o'clock.

House Bill No. 456, An act relating to hearing and awards by the Labor Commissioner or Superior Court under the workmen's compensation law, was taken from the table.

The question being on the adoption of the amendments offered by the committee.

On a *viva voce* vote the amendments were adopted, and the bill as amended was ordered to a third reading this afternoon at two o'clock.

Reconsideration

On motion of Senator O'Malley the Senate voted to reconsider its vote on House Bill No. 236, An act relating to small claims.

On motion of the same Senator the Senate voted to recommit the bill to the Committee on Judiciary.

Bill Engrossed

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled bill:

House Bill No. 283, An act relating to licenses for hotels.

ALDEGE A. NOEL,
For the Committee.

On motion of Senator Spollett the following resolution was adopted:

Resolved, That the rules be so far suspended as to permit all business in order for this afternoon at two o'clock to be made in order at the present time.

Third Readings

The following entitled bills were read a third time and passed:

House Bill No. 456, An act relating to hearing and awards by the Labor Commissioner or Superior Court under the workmen's compensation law.

House Bill No. 517, An act relative to the administration of the unemployment compensation law.

Senator Daniell moved that the rules be so far suspended as to permit the introduction of a new bill by title only.

The question being, Shall the rules be suspended?

The President declared a recess.

Senator Daniell in favor, Senators O'Malley and Noel in opposition to motion.

On a *viva voce* vote the negative prevailed, and the motion was lost.

On motion of Senator Tarlson the following resolution was adopted:

Resolved, That when the Senate adjourns today, it be to meet Tuesday morning at 11 o'clock.

On motion of Senator Butman the Senate adjourned.

TUESDAY, JUNE 28, 1949.

The Senate met according to adjournment.

Leave of Absence

Senator Reinhart was granted a leave of absence for the week on account of important business.

House Message

The following message was received from the House of Representatives, by its Clerk:

Mr. President:

The House of Representatives has adopted the following resolution, in the adoption of which it asked the concurrence of the Honorable Senate:

Resolved, That the Honorable Senate be requested to return the budget bills to the House of Representatives.

Senator C. Cummings moved that the Senate non-concur in the adoption of the above resolution, sent up from the House of Representatives and offered the following resolution and moved its adoption:

Resolved, That the House of Representatives be informed that the Senate respectfully declines to return the budget bills as requested by the House.

(Discussion ensued)

Senators O'Malley, Noel and Daniell spoke in favor of the resolution.

On a *viva voce* vote the affirmative prevailed, the motion was carried, and the resolution was adopted.

The message further stated that the House of Representatives had passed the following entitled bill, in the passage of which it asked the concurrence of the Honorable Senate:

House Bill No. 528, An act making temporary appropriations for the expenses of the State of New Hampshire for the month of July, 1949.

Read and Referred

The following entitled bill, sent up from the House of Representatives, was read a first and second time and referred to the Committee on Finance:

House Bill No. 528, An act making temporary appropriations for the expenses of the State of New Hampshire for the month of July, 1949.

Senator Noel moved that the order whereby the above entitled bill was referred to the Committee on Finance be vacated, and the bill be put on its third reading and final passage at the present time.

The President declared a recess.

Recess

The Senate re-assembled.

The question being on the motion offered by Senator Noel, Shall the order be vacated and the rules so far suspended as

to put the bill on its third reading and final passage at the present time?

(Discussion ensued)

On a *viva voce* vote the affirmative prevailed, and the bill was read a third time and passed at the present time.

Senator Noel spoke in favor of the bill.

Senator Daniell offered the following resolution and moved its adoption:

Resolved, That the Senate respectfully requests the House of Representatives to consider any or all of the following tax measures pending final action on the budget:

<i>Estimated return</i>	<i>Tax</i>
1,000,000	\$3.00 per barrel additional tax on beer.
300,000	5% on all liquor and mixers sold under licenses.
1,000,000	1/4 of 1% on savings bank deposits without exemption.
700,000	Sales tax exempting food and children's clothing.
1,000,000	1/2 of 1% income tax without filing fee.
1,500,000	License bookies with 2% on gross.
700,000	5% additional tax on tobacco.
1,000,000	1 cent more on gasoline proceeds to general funds.
5-10,000,000	5% sales tax on candy, ice cream, soft drinks, cosmetics, meals, admissions, liquor, wine, and beer, tobacco and gas. Minimum tax \$.01 on sales of \$.10 or over.

(Discussion ensued)

Senator Daniell spoke in favor of the resolution.

Senator McMeekin moved that the above resolution be committed to the Committee on Ways and Means.

(Discussion ensued)

Senators Daniell and Noel spoke in favor of the motion.

On a *viva voce* vote the affirmative prevailed, and the resolution was referred to the Committee on Ways and Means.

House Message.

The following message was received from the House of Representatives, by its Clerk:

Mr. President:

The House of Representatives has passed the following resolution in the passage of which it asks the concurrence of the Honorable Senate:

Whereas, the House of Representatives find themselves unable at this time to agree upon the enactment of any new revenue measures to balance the budget,

Resolved, That the Honorable Senate be respectfully requested to make all necessary reductions in the budget to bring expenditures in balance with present estimated revenues and upon the adoption of these reductions, to return the necessary amendments to the House of Representatives for concurrence.

The above resolution was referred to the Committee on Finance.

The message further stated that the House of Representatives has passed the following entitled bill and joint resolution in the passage of which it asks the concurrence of the Honorable Senate:

House Bill No. 320, An act relating to the extermination of wild boars in the counties of Sullivan and Grafton.

House Joint Resolution No. 27, Joint resolution directing the state planning and development commission to continue the study of the problems of the smaller communities.

The message further stated that the House of Representatives concurs with the Honorable Senate in the passage of the following entitled bills, with amendments, in the passage of which amendments the House of Representatives asks the concurrence of the Honorable Senate:

Senate Bill No. 88, An act relating to the covering of wells.

26. *Definition.* The term "well" as used in this subdivision shall mean any artificially made hole in the surface of the earth (a) which is more than four feet deep and (b) which is more than eight inches in diameter and less than sixteen square feet in area at the top and (c) the sides of which are steeper than a sixty degree slope.

27. *Fencing or Covering.* No person who owns or occupies land shall knowingly allow any well which is within five hundred feet of a dwelling or within two hundred feet of any highway to remain open on such land, unless there is around such a well a substantial fence or protection at least three feet high so constructed that no children can crawl through or under it. Any such well shall be deemed to be open unless it is protected by a covering strong enough to hold one thousand pounds and secured so that it cannot be easily removed by children.

28. *Nuisance.* Any open well which is not fenced or protected as provided in section 27 is hereby declared a nuisance and the same may be ordered abated by any court of competent jurisdiction on complaint of any prosecuting officer.

29. *Penalty.* Whoever violates any provision of this subdivision shall be fined not more than five hundred dollars.

Senator McMeekin moved that the Senate non-concur in the passage of the above entitled bill with amendments, and requested a Committee of Conference.

On a *viva voce* the affirmative prevailed.

Pursuant to the above request the President appointed as members of such committee on the part of the Senate, Senators McMeekin and Caron.

Senate Bill No. 123, An act relative to the issuance of bonds or notes of Hampton Beach Village District.

Amend section 1 of the bill by striking out the word, "forty" in the third line and inserting in place thereof the word, sixty, and by striking out the figure, "\$40,000" in the third line and inserting in place thereof the figure, \$60,000, so that said section as amended shall read as follows:

1. *Authorization.* The Hampton Beach Village District is hereby authorized to issue serial notes or bonds on the credit of the district to an amount not exceeding sixty thousand dollars (\$60,000) for the purpose of the construction of a salt water fire protection system.

On motion of Senator McMeekin the Senate voted to concur in the adoption of the amendment sent up from the House of Representatives.

The message further stated that the House of Representatives has voted to concur with the Honorable Senate in the passage of the following entitled bills sent down from the Honorable Senate:

Senate Bill No. 49, An act relative to the bag limit for taking horned pout.

Senate Bill No. 125, An act relating to fire resistant hallways and stairways.

Senate Bill No. 139, An act relative to the zoning powers of the Rye Water District.

Read and Referred

The following entitled bill and joint resolution, sent up from the House of Representatives, were read a first and second time, and referred:

To the Committee on Fisheries and Game, Forestry and Recreation:

House Bill No. 320, An act relating to the extermination of wild boars in the counties of Sullivan and Grafton.

To the Committee on Judiciary:

House Joint Resolution No. 27, Joint resolution directing the state planning and development commission to continue the study of the problems of the smaller communities.

Committee Report

Senator Noel, for the Committee on Ways and Means, to whom was referred:

House Bill No. 527, An act to establish a new apportionment for the assessment of public taxes.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted, and the bill was ordered to a third reading this afternoon at two o'clock.

Committee of Conference Report

The Committee of Conference, to whom was referred House Bill No. 473, An act relating to appeals in municipal zoning matters, having considered the same, recommend the Honorable Senate recede from the adoption of its amendment and that the Honorable Senate and House of Representatives concur in the adoption of the following amendment:

Amend section 65-c as inserted by section 2 of the bill by striking out said section and inserting in place thereof the following: 65-c. *Burden of Proof.* Upon the hearing the burden of proof shall be upon the party seeking to set aside any order or decision of the board of adjustment or legislative body to show that the same is unreasonable or unlawful, and all findings of the board of adjustment or legislative body of such municipality upon all questions of fact properly before it shall be deemed *prima facie* lawful and reasonable; and the order or decision appealed from shall not be set aside or vacated, except for errors of law, unless the court is persuaded by the balance of probabilities, on the evidence before it, that said order or decision is unjust or unreasonable.

RAE S. LARABA,
GARDNER C. TURNER,
C. MURRAY SAWYER,
Conferees on Part of the House.

ARTHUR J. REINHART,
CHARLES F. HARTNETT,
Conferees on Part of the Senate.

On a *viva voce* vote the Committee of Conference report was adopted.

Senator Noel, for the Committee on Engrossed Bills, to whom was referred:

House Bill No. 335, An act relative to taking wild deer and other game animals.

Having considered the same, reported the same under Joint Rule No. 6 with the following amendment, and recommended that the bill as amended ought to pass.

Amend section 1 of said bill by striking out the figure "16" in the fifth line and inserting in place thereof the figure, 16-c.

On motion of Senator Otis, the report was accepted, amendment adopted, and the bill as amended was sent to the House of Representatives for concurrence in Senate amendment.

Senator Noel, for the Committee on Engrossed Bills, to whom was referred:

House Bill No. 221, An act to authorize the construction and financing of a sewer system by the town of Meredith.

Having considered the same, reported the same under Joint Rule No. 6, with the following amendment, and recommended that the bill as amended ought to pass.

Amend section 4 of said bill by striking out the first two lines and inserting in place thereof the following:

4. *Application of Laws.* Except as hereinbefore otherwise provided, the provisions of Part 22, chapter 90 of the Revised Laws, as inserted by chapter 188 of the Laws of 1945, relative to sewers, and the provisions

On motion of Senator Otis, the report was accepted, amendment adopted, and the bill as amended was sent to the House of Representatives for concurrence in Senate amendment.

Senator Noel, for the Committee on Engrossed Bills, to whom was referred:

House Bill No. 512, An act relative to the charter of the city of Dover.

Having considered the same, reported the same under Joint Rule No. 6 with the following amendment, and recommended that the bill as amended ought to pass:

Amend section 2 of the bill by striking out the same and inserting in place thereof the following:

2. *Ratification.* The election of the school committee for the city of Dover held in November, 1947 is hereby legalized, ratified and confirmed.

On motion of Senator Noel the report was accepted, amendment adopted, and the bill as amended was sent to the House of Representatives for concurrence in Senate amendment.

Engrossed Bills

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled bills:

Senate Bill No. 100, An act in relation to municipal utilities.

Senate Bill No. 106, An act establishing the date of Fast Day.

Senate Bill No. 135, An act relative to the incorporation of Granite Lodge No. 1056, Loyal Order of Moose of Berlin, New Hampshire.

House Bill No. 485, An act opening Shannon Brook in Moultonborough to smelt fishing.

House Bill No. 520, An act to repeal charters of certain corporations.

ROBERT BINGHAM,
For the Committee.

Special Order

Senator Hartnett called for the special order, it being House Bill No. 329, An act amending the charter of the city of Dover.

The question being on the adoption of the amendments offered by the committee, as printed in the Journal of June 22.

(Discussion ensued)

Senator Hartnett explained the amendments to the membership of the Senate.

Senators Daniell, McMeekin, Pierce, Otis, Bingham and Hartnett spoke in favor of the adoption of the amendments.

Senators Burbank, O'Malley and Butman spoke in opposition to the adoption of the amendments.

On a *viva voce* vote the Chair was in doubt and requested a division.

Eight senators having voted in the affirmative, and fourteen senators having voted in the negative, the negative prevailed, and the amendments were not adopted, and the bill was ordered to a third reading this afternoon at two o'clock.

Senator Hartnett called for the special order for 11:02, it being House Bill No. 377, An act relative to the charter of the city of Dover.

The question being on the adoption of the amendments offered by the Judiciary Committee.

Senator Burbank moved that the words, ought to pass, be substituted for the words, ought to pass with amendment.

On a *viva voce* vote, the Chair was in doubt, and requested a division.

Fifteen senators having voted in the affirmative, and seven senators having voted in the negative, the affirmative prevailed, and the motion to substitute carried, and the bill was ordered to a third reading this afternoon at two o'clock.

On motion of Senator Spollett the following resolution was adopted.

Resolved, That the rules be so far suspended as to permit all business in order for this afternoon at two o'clock to be made in order at the present time.

Third Readings

The following entitled bills were read a third time and passed:

House Bill No. 527, An act to establish a new apportionment for the assessment of public taxes.

House Bill No. 377, An act relative to the charter of the city of Dover.

Senator Butman moved that the Senate reconsider its vote whereby it passed House Bill No. 377, An act relative to the charter of the city of Dover.

Senator Hartnett moved that the motion be laid on the table, and made a special order for Tuesday, July 5, at 11:01.

(Discussion ensued)

Senator Noel rose to a point of information relative to the parliamentary procedure concerning reconsideration of bills.

President Bass ruled that after the Senate has voted down a motion to reconsider, the bill or resolution cannot thereafter be reconsidered. However, the Senate can always make its own rules or suspend them by a two thirds vote, and therefore could conceivably suspend this rule and reconsider a vote after it had previously refused to reconsider it.

Senators Burbank and Noel spoke in opposition to the motion.

Senators Pierce, Hartnett and C. Cummings spoke in favor of the motion.

On a *viva voce* vote the Chair was in doubt, and requested a division.

Ten senators having voted in the affirmative, and eleven senators having voted in the negative, the negative prevailed, and the motion was lost.

The question now being, Shall the Senate reconsider its vote on House Bill No. 377, An act relative to the charter of the city of Dover.

On a *viva voce* vote the Chair was in doubt, and requested a division.

Eight senators having voted in the affirmative, and fourteen senators having voted in the negative, the negative prevailed, and the motion to reconsider was lost.

The following entitled bill was read a third time and passed:

House Bill No. 329, An act amending the charter of the city of Dover.

Senator Butman moved that the Senate reconsider its vote whereby it passed House Bill No. 329, An act amending the charter of the city of Dover.

On a *viva voce* vote the negative prevailed, and the motion to reconsider was lost.

On motion of Senator Butman the Senate adjourned.

WEDNESDAY, JUNE 29, 1949

The Senate met according to adjournment.

House Message

The following message was received from the House of Representatives by its Clerk:

Mr. President:

The House of Representatives has passed the following entitled bills in the passage of which it asks the concurrence of the Honorable Senate:

House Bill No. 79, An act to revise the charter of the city of Keene.

House Bill No. 487, An act relating to the Northeastern Interstate Forest Fire Compact.

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House Bill No. 491, An act establishing an official gauge for measuring the water levels of Lake Winnepesaukee.

The message further stated that the House of Representatives has voted to adopt the Committee of Conference report on the following entitled bill:

House Bill No. 473, An act relating to appeals in municipal zoning matters.

The message further stated that the House of Representatives has voted to concur with the Honorable Senate in its amendments to the following entitled bill:

House Bill No. 456, An act relating to hearing and awards by the Labor Commissioner of Superior Court under the workmen's compensation law.

The message further stated that the House of Representatives has voted to non-concur with the Honorable Senate in its amendments to the following entitled bill, and asks for a Committee of Conference.

House Bill No. 517, An act relative to the administration of the unemployment compensation law.

The Speaker appointed as members of such committee on the part of the House, Messrs. Fletcher of Mont Vernon, Angus of Claremont and Waterhouse of Windham.

On motion of Senator Dole the Senate voted to accede to the request of the House of Representatives for a Committee of Conference.

Pursuant to the above request the President appointed as members of such committee on the part of the Senate, Senators Dole and McMeekin.

Read and Referred

The following entitled bills, sent up from the House of Representatives, were read a first and second time, and referred:

To the Committee on Judiciary:

House Bill No. 79, An act to revise the charter of the city of Keene.

To the Committee on Fisheries and Game, Forestry and Recreation:

House Bill No. 487, An act relating to the Northeastern Interstate Forest Fire Compact.

House Bill No. 491, An act establishing an official gauge for measuring the water levels of Lake Winnepesaukee.

Committee Reports

Senator E. Cummings, for the Committee on Public Works, to whom was referred:

Senate Bill No. 136, An act relating to tolls by municipal utilities.

Having considered the same, reported the same with the following amendment, and recommended that the bill as amended ought to pass:

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1. *Tolls and Charges.* Amend section 23 of chapter 56 of the Revised Laws by inserting at the end thereof the following words "provided, however, that no such municipality furnishing or supplying water shall establish or collect tolls or charges for the existence or use of fire control sprinkler systems" so that said section, as amended, shall read as follows: 23. *Effect of City Charters.* Nothing contained in this chapter shall affect, alter or change the provisions of any city charter with respect to the management, control, and direction of gas, water, or electric works. Provided, however, that no such municipality furnishing or supplying water shall establish or collect tolls or charges for the existence or use of fire control sprinkler systems.

2. *Sprinkler Systems.* Amend chapter 292 of the Revised Laws by inserting after section 1 thereof the following new section: 1a. *Charges for Sprinklers.* No public utility furnishing or supplying water shall establish or collect tolls or charges for the existence or use of fire control sprinkler system.

3. *Takes Effect.* This act shall take effect upon its passage.

The report was accepted, and the above entitled bill with its accompanying amendment was laid on the table to be printed in the Journal under the rules.

Senator Bingham, for the Committee on Judiciary, to whom was referred:

House Bill No. 236, An act relating to small claims.

Having considered the same, reported the same with the following resolution:

Resolved, That it is inexpedient to legislate.

The report was accepted, and the recommendation of the committee was adopted.

Senator Bingham, for the Committee on Judiciary, to whom was referred:

House Bill No. 412, (in new draft), An act relative to the state board of fire control.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted.

Senator Otis moved that the bill be indefinitely postponed.

(Discussion ensued)

Senator Otis spoke in favor of the motion.

Senator Hartnett moved that the bill be re-committed to the Committee on Judiciary for further consideration.

The President ruled that the motion was out of order.

Senator Burbank requested that the bill be read in full to the Senate.

Senator Noel moved that the bill and the accompanying motion be laid on the table, the motion being that the bill be indefinitely postponed.

On a *viva voce* vote the affirmative prevailed, and the bill and the motion were laid on the table.

Bills Engrossed

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled bill:

House Bill No. 70, An act to revise the Charter of the City of Keene.

ALDEGE A. NOEL,
For the Committee.

On motion of Senator Spollett the following resolution was adopted:

Resolved, That the rules be so far suspended as to permit all business in order for this afternoon at two o'clock be made in order at the present time.

On motion of Senator Butman the Senate adjourned.

THURSDAY, JUNE 30, 1949

The Senate met according to adjournment.

Leaves of Absence

Senators Ainsworth and Brunel were granted a leave of absence on account of important business.

House Message

The following message was received from the House of Representatives, by its Clerk:

Mr. President:

The House of Representatives has passed the following entitled bills and joint resolution in the passage of which it asks the concurrence of the Honorable Senate:

House Bill No. 7, An act relative to white pine blister law.

House Bill No. 435, (in new draft) An act relating to the charter of the city of Portsmouth.

House Bill No. 477, An act to restrict the use of purses, seines and beam trawls in the New Hampshire Sea Coast.

House Bill No. 489, An act providing for an aerial survey of the state of New Hampshire.

House Bill No. 529, An act changing the name of Nashua Building and Loan Association to Nashua Building and Loan or Cooperative Bank.

House Joint Resolution No. 11, Joint resolution in favor of Brenden J. Splaine.

House Joint Resolution No. 35, Joint resolution in favor of the estate of Andrew C. Elliott.

The message further stated that the House of Representatives has voted to concur with the Honorable Senate in its

adoption of the amendments offered by the Committee on Engrossed Bills to the following entitled bills.

House Bill No. 221, An act to authorize the construction and financing of a sewer system by the town of Meredith.

House Bill No. 335, An act relative to taking wild deer, and other game animals.

The message further stated that the House of Representatives refuses to concur with the Honorable Senate in the passage of the following entitled bill:

Senate Bill No. 113, An act relative to free fishing licenses to persons over seventy years of age.

The message further stated that the House of Representatives has voted to accede to the request of the Honorable Senate for a Committee of Conference on Senate Bill No. 88, An act relating to the covering of wells.

The Speaker appointed as members on such committee on the part of the House, Messrs. Johnson of Northwood, Downs of Conway and Mrs. Dondero of Portsmouth.

The message further stated that the House of Representatives concurs with the Honorable Senate in the passage of the following entitled bills, with amendments, in the passage of which amendments the House of Representatives asks the concurrence of the Honorable Senate:

Senate Bill No. 99, An act relative to insertion of articles in the warrant for school district meeting.

Amend section 1 of the bill by striking out in the seventh and eighth lines the words "at least twenty-five days before the day prescribed for an annual meeting" and inserting in place thereof the words and figures, not later than February 13 of any year; further amend said section by adding at the end thereof the words, No article may be inserted after posting of said warrant, so that said section as amended shall read as follows:

1. *School District Meeting.* Amend section 6 of chapter 139 of the Revised Laws by striking out said section and inserting in place thereof the following: 6. *Warrant.* Upon the written application of ten or more voters or one sixth of the voters of the school district, presented to the school board or one of them not later than February 13 any year; the school

board shall insert in the school district warrant for such meeting any subject specified in such application. No article may be inserted after posting of said warrant.

On motion of Senator McMeekin the Senate voted to concur in the adoption of the amendments to the above entitled bill sent up from the House of Representatives.

Read and Referred

The following entitled bills and joint resolution, sent up from the House of Representatives, were read a first and second time and referred:

To the Committee on Fisheries and Game, Forestry and Recreation:

House Bill No. 7, An act relative to white pine blister law.

House Bill No. 477, An act to restrict the use of purses, seines and beam trawls in the New Hampshire Sea Coast.

To the Committee on Judiciary:

House Bill No. 435, (in new draft), An act relating to the charter of the city of Portsmouth.

To the Committee on Finance:

House Bill No. 489, An act providing for an aerial survey of the state of New Hampshire.

House Joint Resolution No. 11, Joint resolution in favor of Brenden J. Splaine.

House Joint Resolution No. 35, Joint resolution in favor of the estate of Andrew C. Elliott.

To the Committee on Banks and Insurance:

House Bill No. 529, An act changing the name of Nashua Building and Loan Association to Nashua Building and Loan or Cooperative Bank.

On motion of Senator Tarlson the order whereby the above entitled bill was referred to the Committee on Banks and Insurance, was vacated, and the rules were so far suspended as to dispense with printing and reference to committee, and the bill was put on its third reading and final passage at the present time.

Taken from the Table

Senate Bill No. 136, An act relating to public utilities, was taken from the table.

The question being on the adoption of the amendment offered by the committee.

On a *viva voce* vote the affirmative prevailed, the amendment was adopted, and the bill as amended was ordered to a third reading this afternoon at two o'clock.

Bills Engrossed

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled bills:

Senate Bill No. 49, An act relative to the bag limit for taking horned pout.

Senate Bill No. 123, An act relative to issuance of bonds or notes by Hampton Beach Village District.

Senate Bill No. 139, An act relative to zoning powers of the Rye Water District.

House Bill No. 329, An act amending the charter of the city of Dover.

House Bill No. 528, An act making temporary appropriations for the expenses of the State of New Hampshire for the month of July, 1949.

House Bill No. 527, An act to establish a new apportionment for the assessment of public taxes.

ALDEGE A. NOEL,
For the Committee.

On motion of Senator Spollett the following resolution was adopted:

Resolved, That the rules be so far suspended as to permit all business in order for this afternoon at two o'clock to be made in order at the present time.

Third Reading

The following entitled bill was read a third time and passed:

Senate Bill No. 136, An act relating to public utilities.

On motion of Senator Tarlson the following resolution was adopted:

Resolved, That when the Senate adjourns today it be to meet Tuesday morning at 11:00 o'clock.

Personal Privilege

Senator Daniell rose to a point of personal privilege and expressed his belief that the formula used in the distribution of funds for the education department should, in the event of a reduction of the budget, be changed.

On motion of Senator Butman the Senate adjourned.

TUESDAY, JULY 5, 1949

The Senate met according to adjournment.

House Message

The following message was received from the House of Representatives, by its Clerk:

Mr. President:

The House of Representatives has passed the following entitled bills, in the passage of which it asks the concurrence of the Honorable Senate:

House Bill No. 87, An act relating to the establishment of a civil defense agency.

House Bill No. 146, An act prohibiting the teaching of doctrines of communism or overthrow of government by force in public or private schools in the state.

The message further stated that the House of Representatives had voted to concur with the Honorable Senate in its adoption of the amendments offered by the Committee on Engrossed Bills, to the following entitled bill:

House Bill No. 512, An act relative to the charter of the city of Dover.

The message further stated that the House of Representatives had voted to concur with the Honorable Senate in the passage of the following entitled bill, sent down from the Honorable Senate:

Senate Bill No. 138, An act relating to highways.

The message further stated that the House of Representatives had voted to adopt the amendment offered by the Committee on Engrossed Bills, to the following House bill, in the

adoption of which amendment the House of Representatives asked the concurrence of the Honorable Senate.

House Bill No. 185, An act relating to photographic copies of documents and records.

Amend said bill by striking out the figure "1" in the first line and inserting in place thereof the following:

1. *Documents and Records.* Amend chapter 392 of the Revised Laws by inserting after section 35 the following new section: 36. *Definitions.* The following words as used in section 37 shall be construed as follows:

Further amend said bill by renumbering section 2 to read 37. *Photographic Copies.*

Further amend said bill by renumbering section 3 to read section 2.

On motion of Senator Otis the Senate voted to concur in the adoption of the amendment offered by the Committee on Engrossed Bills, sent up from the House of Representatives.

Read and Referred

The following entitled bills, sent up from the House of Representatives, were read a first and second time and referred:

To the Committee on Military and Veterans' Affairs:

House Bill No. 87, An act relating to the establishment of a civil defense agency.

To the Committee on Judiciary:

House Bill No. 146, An act prohibiting the teaching of doctrines of communism or overthrow of government by force in public or private schools in the state.

On motion of Senator Otis the order whereby the above entitled bill was referred to the Committee on Judiciary was vacated, and the bill was referred to the Joint Committee on Judiciary and Education.

Committee Report

Senator Bingham, for the Committee on Judiciary, to whom was referred:

House Bill No. 525, An act to legalize proceedings of cer-

tain towns, school districts and county delegations, and to authorize other municipal action.

Having considered the same, reported the same with the following amendment and recommended that the bill as amended ought to pass.

Amend said bill by inserting after section 13 the following new sections:

14. *Gilford School District.* All votes and proceedings of the Gilford School District taken at the annual meeting of March 12, 1949 and adjournments thereof held June 4, 5 and 6, 1949 relative to borrowing the sum of ten thousand dollars for the school heating plant, are hereby legalized, ratified and confirmed.

15. *Manchester Savings Bank.* Amend section 3 of an act approved July 8, 1846 being the charter of the Manchester Savings Bank and being known as chapter 404 of the Laws of 1846, by striking out after the word "affairs" the words, "provided such real estate, held at any one time for the said purpose, shall not have exceeded in value, at the time of the purchase or acceptance thereof by said corporation, the sum of six thousand dollars," and by striking out after the word "incurred" the words, "provided, that the real estate so holden shall not at any one time exceed in value the sum of fifteen thousand dollars," so that said section as amended shall read as follows: Sect. 3. Said corporation shall be capable of receiving and holding such buildings and real estate as shall be necessary and convenient for managing its affairs. And the said corporation shall be further able to take, hold and dispose of any real estate whatever which may be *bona fide* mortgaged or pledged for the security of its loan or debts due to it, or which may be *bona fide* conveyed to or taken by said corporation, in satisfaction or discharge of debts, demands or liabilities which have been previously contracted or incurred.

16. *Rollinsford School District.* The following homestead farms in the town of Rollinsford now annexed to the city of Dover for school purposes are severed from said city of Dover and annexed to the town of Rollinsford for school purposes:

- I. The homestead farm of Edward F. Thompson.
- II. The homestead farm of Charles W. Rollins.
- III. The homestead farm of Charles C. Hayes.

Chapter 176 of the Laws of 1889, chapter 2259 of the Laws of 1859, approved June 24, 1859 and chapter 213 of the Laws of 1921, are hereby repealed.

17. *New Ipswich School District.* The votes and proceedings of the New Ipswich School District at the annual meeting on March 8, 1949 and the adjournment thereof on March 22, 1949, relative to the issuance of serial notes or bonds to an amount not exceeding twenty-five thousand dollars (\$25,000) for the purpose of constructing and equipping a two-room addition to the present elementary school building, and the authority of the school board to fix the time and place of payment and the rate of interest of such bonds, and to arrange the sale thereof, are hereby legalized, ratified and confirmed.

18. *City of Dover.* The city of Dover is hereby authorized and empowered to issue its serial bonds or notes for the purpose of construction of new school buildings or for the alterations of present structures, or for the enlargement and improvement of existing school facilities to an amount not exceeding five per cent of the latest assessed valuation of the taxable property of said city. The city of Dover shall not take any action under the authority of this section after December 31, 1951, provided that this limitation shall not affect the validity of any bonds or notes issued under the authority of said section prior to said date. In addition to the authorization for borrowing by said city of Dover provided for in this section, said city shall not incur debt to an amount exceeding three per cent of its last assessed valuation.

Further amend said bill by renumbering section 14 to read section 19.

The report was accepted, amendment adopted, and the bill as amended was ordered to a third reading this afternoon at two o'clock.

Bills Engrossed

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled bills:

Senate Bill No. 125, An act relating to fire resistant hallways and stairways.

House Bill No. 221, An act to authorize the construction and financing of a sewer system by the Town of Meredith.

House Bill No. 335, An act relative to taking wild deer and other game animals.

House Bill No. 377, An act relative to the charter of the City of Dover.

House Bill No. 456, An act relating to hearings and awards by the labor commissioner or superior court under the workman's compensation law.

House Bill No. 473, An act relating to appeals in municipal zoning matters.

ALDEGE A. NOEL,
For the Committee.

Taken from the Table

Senator Otis requested that House Bill No. 412, (in new draft), An act relative to the state board of fire control, be taken from the table.

The question being, Shall the bill be indefinitely postponed?

(Discussion ensued)

Senator Otis spoke in favor of indefinite postponement.

Senator Hartnett spoke in favor of having the bill be re-committed to the committee for further consideration, providing the motion to indefinitely postpone be withdrawn.

The question again being stated, Shall the bill be indefinitely postponed?

On a *viva voce* vote the affirmative prevailed, and the bill was indefinitely postponed.

Senator Daniell offered the following resolution and moved its adoption:

Resolution

Whereas the 1948 Republican Party Platform for New Hampshire reads:

Education

We favor the continuance of the present scale of state financial aid to local school districts.

Since this program means a continuing burden upon all of our taxpayers it is imperative that, in its administration, attention be given to the most effective and efficient use of

state-aid monies in improving the standards of education, the establishment of co-operative school districts wherever feasible, and the maintenance of adequate standards of pay for teachers.

We stand for a strong progressive University of New Hampshire and favor continuance of the present increased level of appropriations for its support. The Teachers Colleges are performing a valuable service to our educational system and deserve adequate consideration and support.

A basic necessity to our educational system is an improved teachers' retirement plan with benefits sufficient to continue to attract and retain high quality in the teaching profession for New Hampshire.

Whereas the 1949 Democratic Party Platform for New Hampshire Education reads:

Education

The Democratic Party urges continued state aid to education in New Hampshire and immediate passage of the Federal Aid to Education Bill which would help finance a much needed program of school building and centralization of rural educational facilities.

Despite a decade of ever-increasing national prosperity, under Republican administrations New Hampshire teachers earn less today than 8 per cent of the teachers average throughout the country. We are losing teachers to other states because retirement benefits are wholly inadequate.

The Democratic Party favors a program whereby all teachers will receive optimum security and greater benefits.

Whereas seventeen members of this Senate are Republican and seven are Democratic and each endorsed his party's platform and none during the election in any way repudiated said platform as it relates to education.

Resolved, That as honest and sincere politicians we cannot at this late date repudiate these solemn obligations to the public and must therefore adopt such measures as are necessary to continue State Aid to Education at its 1947-48 level.

The President referred the above resolution to the Committee on Education.

Senator Daniell moved that the order whereby the above resolution was referred to the Committee on Education, be vacated, and that the resolution be brought before the Senate at the present time.

The President declared a recess.

Recess

The Senate re-assembled.

Senator Reinhart moved that the resolution be laid on the table.

Senator McMeekin rose to a point of information relative to the parliamentary situation.

The President declared a recess.

Recess

The Senate re-assembled.

Senator Reinhart withdrew his motion to lay the resolution on the table.

Senator Reinhart in the Chair

Senator Daniell spoke in favor of the resolution.

The President resumed the chair.

The question being stated, Shall the order whereby the resolution was referred to the Committee on Education be vacated?

President Bass requested a division.

Fifteen senators having voted in the affirmative, the affirmative prevailed.

Senator Butman moved the previous question, it being, Shall the main question now be put?

On a *viva voce* vote the affirmative prevailed.

Senator McMeekin requested the Clerk to read the resolution.

The question now being, Shall the resolution be adopted?

Senator Daniell demanded a roll call.

Roll Call

The Clerk proceeded to call the roll.

The following named senator voted in the affirmative: Senator Daniell.

The following named senators voted in the negative: Senators Hayes, McMeekin, Tarlson, Ainsworth, Brunel, E. Cummings, Wiggin, Otis, Caron, Lalumiere, Hartnett, Butman, Spollett and Reinhart.

One Senator having voted in the affirmative and fourteen senators having voted in the negative, the negative prevailed, and the resolution was not adopted.

On motion of Senator Spollett the following resolution was adopted:

Resolved, That the rules be so far suspended as to permit all business in order for this afternoon at two o'clock be made in order at the present time.

Third Reading

The following entitled bill was read a third time and passed:

House Bill No. 525, An act to legalize proceedings of certain towns, school districts and county delegations, and to authorize other municipal action.

On motion of Senator Lalumiere the following resolution was adopted:

Resolved, That when the Senate adjourns today it adjourn out of respect to the memory of Mrs. Peter Daniel, mother of former Senators J. Felix and Charles Daniel of Manchester.

Be It Further Resolved, That the members of the Senate extend their sincere sympathy to former Senators Charles and Felix Daniel, in the death of their mother, Mrs. Peter Daniel of Manchester, and that the Clerk be instructed to send a copy of these resolutions to them.

On motion of Senator Butman the Senate adjourned.

WEDNESDAY, JULY 6, 1949

The Senate met according to adjournment, with Senator Reinhart in the Chair.

Leave of Absence

Senator Brunel was granted a leave of absence on account of important business.

House Message

The following message was received from the House of Representatives, by its Clerk:

Mr. President:

The House of Representatives has passed the following entitled bill and joint resolution, in the passage of which it asks the concurrence of the Honorable Senate:

House Bill No. 413, An act relating to the lobsters and crabs.

House Joint Resolution No. 28, Joint resolution relative to funds for development of aeronautical facilities.

The message further stated that the House of Representatives had voted to concur with the Honorable Senate in the passage of the following entitled bill, sent down from the Honorable Senate:

Senate Bill No. 57, An act amending the charter of the city of Concord.

The message further stated that the House of Representatives concurred with the Honorable Senate in the passage of the following entitled bills, with amendments, in the passage of which amendments the House of Representatives asked the concurrence of the Honorable Senate:

Senate Bill No. 110, An act relative to employees of the fish and game department.

Amend section 2 of the bill by striking out the words and figure, "sections 27 and" and inserting in place thereof the word, section; further amend by striking out the word, "are" in the third line and inserting in place thereof the word, is, so that said section as amended shall read as follows:

2. *Repeal.* Section 30 of chapter 240 of the Revised Laws, relative to efficiency ratings and compensation of employees of the fish and game department, is hereby repealed.

On motion of Senator Ainsworth the Senate voted to concur in the amendment to the above entitled bill, sent up from the House of Representatives.

Senate Bill No. 127, An act relative to the powers of the director of fish and game.

Amend section 1 of the bill by striking out the words "fish or" where they occur in the fifth and sixth lines; further amend by inserting after the word, "area" in the fifth line, the words, with the consent of the commission, so that said section as amended shall read as follows:

1. *Fish and Game Director.* Amend chapter 240 of the Revised Laws by adding after section 9 the following new section: 9-a. *Power to Close Any Area.* Notwithstanding the other provisions of this chapter, the director shall have the power and authority to close any area with the consent of the commission in the state for taking game for the purpose of propagation of such game for a period not exceeding ninety days in any one calendar year.

On motion of Senator Ainsworth the Senate voted to concur in the amendment to the above entitled bill, sent up from the House of Representatives.

The message further stated that the House of Representatives concurred with the Honorable Senate in the passage of the following entitled bill, with amendments, in the passage of which amendment the House of Representatives asked the concurrence of the Honorable Senate:

Senate Bill No. 94, An act relating to beano.

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1. *New Chapter.* Amend the Revised Laws by inserting after chapter 171 the following new chapter:

Chapter 171-A

Games of Beano

1. **Definitions.** Terms used in this chapter shall be construed as follows unless a different meaning is clearly apparent from the language or context:

I. "Beano" shall mean any game by whatever name called in which a prize is offered to the person first completing

a straight line of squares across a placard marked into squares for said purpose.

II. "Charitable organization" shall mean any *bona fide* religious, charitable, civic, veterans' or fraternal organization which shall have been in existence for at least two years and as organized presently under the laws of this state and to which contributions are exempt from federal income tax.

2. *License.* The selectmen of any town or the chief of police of any city wherein the provisions of this chapter have been adopted may issue to any charitable organization within such town or city a license to conduct games of beano on not more than five days in any one calendar month under the following conditions:

I. The license shall authorize games on specific dates at specific times and at a specified location.

II. Such license shall not be transferable.

III. All persons conducting said games shall be members of the charitable organization.

IV. The price to be paid for a single card or play under the license shall not exceed ten cents.

3. *Fees.* No license issued hereunder shall be granted until a license fee of ten dollars has been paid therefor to the selectmen or chief of police to whom application for license is made, except that no fee shall be required when the play is purely for amusement purposes where no charge is made nor any consideration is required nor taken as a prerequisite to play.

4. *Expiration of License.* A license granted hereunder shall be effective only for the current month for which it is issued. A new application shall be made for each license required.

5. *Remittance.* The fee received by the selectmen of a town or chief of police of a city shall be paid over to the town or city treasurer for the use of the town or city.

6. *Application of Chapter.* The provisions of chapter 447 of the Revised Laws relative to lotteries and gambling contracts shall not apply to games of beano conducted under a license provided for herein.

7. *Local Option.* The following question shall be submitted to the voters in cities at the annual or biennial municipal election and in towns at the annual meeting: (a) "Shall the provisions of chapter 171-A of the Revised Laws relative to playing games of beano be adopted in this city or town?" In cities and in towns having an official ballot this question shall appear upon the official ballot. In towns where no official ballot is used, the vote on the question shall be by special ballot. If a majority of the qualified voters present and voting at any municipal election signifies the approval of the question hereinbefore stated, the selectmen of said town or the chief of police of said city may issue licenses for the conduct of games of beano under the provisions of said chapter 171-A.

8. *Prohibition.* No person shall conduct games of beano unless licensed to do so under the provisions of this chapter. Any person who shall violate any of the provisions of this chapter shall be fined not more than five hundred dollars and each day's play shall constitute a separate offense.

2. *Takes Effect.* This act shall take effect upon its passage.

On motion of Senator Lalumiere, reading of the amendment was dispensed with, and the Senate voted to concur in the amendment to the above entitled bill, sent up from the House of Representatives.

The message further stated that the House of Representatives had voted to adopt the amendment offered by the Committee on Engrossed Bills, to the following bill, in the adoption of which amendment the House of Representatives asked the concurrence of the Honorable Senate:

Senate Bill No. 121, An act relating to assistant pharmacists.

Amend the title of said bill by striking out the same and inserting in place thereof the following:

An Act discontinuing the registration of assistant pharmacists and relating to qualification for registration as pharmacists.

Amend section 3 of said bill by striking out the first nine lines and inserting in place thereof the following:

3. *Requirements for Registration.* Amend section 18 of chapter 256 of the Revised Laws by striking out said section and inserting in place thereof the following: 18. *Pharmacists.* An applicant for examination and registration as a pharmacist shall be a citizen of the United States, not less than twenty-one years of age, of good moral character and temperate habits, a graduate of a school or college of pharmacy or department of a university accredited as grade "A" by the American Council on Pharmaceutical Education and approved by the New Hampshire commission of pharmacy and practical chemistry, shall file proof satisfactory to the commission, substantiated by proper affidavits, of a minimum of one year of experience in a retail or

Amend section 3-a of said bill by striking out the first line and inserting in place thereof the following:

4. *Board of Pharmacy.* Amend section 33 of chapter

Further amend said bill by renumbering section 4 to read section 5.

On motion of Senator Otis, the Senate voted to concur in the adoption of the amendments offered by the Committee on Engrossed Bills to the above entitled bill, sent up from the House of Representatives.

House Bill No. 479, An act relative to protection against Bang's disease.

Amend said bill by striking out the first ten lines and inserting in place thereof the following:

1. *Relating to Adult Vaccination.* Amend section 46-b of chapter 229 of the Revised Laws, as inserted by chapter 201 of the Laws of 1947, by striking out said section and inserting in place thereof the following: 46-b. *Alternate Plan.* The commissioner of agriculture may grant permission to adult-vaccinate under this alternate plan a herd seriously infected with brucellosis. If an owner is refused permission to adult-vaccinate his herd, he may appeal to the county approval board. Request to adult-vaccinate shall be made in writing to the commissioner of agriculture. The county approval board shall consist of three members in each county, two to be appointed by the commissioner of agriculture and these two to appoint a third member; all members to serve without pay

or expenses at the pleasure of the commissioner and until their successor or successors shall be appointed.

Further amend section 1 of said bill by striking out the seventeenth line and inserting in place thereof the following: of the Revised Laws before any animals will be vaccinated. All non-reacting animals must

Further amend said section by striking out all after the word "herds" in the thirty-first line and inserting in place thereof the following:

Such adult-vaccinated herds shall be under strict quarantine at all times and shall be subject to test at such times as the commissioner may direct. Upon passage of this act herds operating under the provisions of section 46-b of chapter 229 of the Revised Laws, as inserted by chapter 201 of the Laws of 1947, prior to this amendment may continue under the conditions they originally accepted, but no new herds shall be allowed to start on that plan. Provided further that the provisions of section 46-c of chapter 229 of the Revised Laws, as inserted by chapter 201 of the Laws of 1947, shall apply to the sale of milk from herds under the alternate plan provided by the amendment herein enacted as well as to herds operating under said section 46-b as originally enacted.

On motion of Senator Spollett, the Senate voted to concur in the adoption of the amendments offered by the Committee on Engrossed Bills to the above entitled bill, sent up from the House of Representatives.

Read and Referred

The following entitled bill and joint resolution, sent up from the House of Representatives, were read a first and second time, and referred:

To the Committee on Judiciary:

House Bill No. 413 (in new draft and new title), An act relating to the lobsters and crabs.

To the Committee on Finance:

House Joint Resolution No. 28, Joint resolution relative to funds for development of aeronautical facilities. .

Committee Reports

Senator Spollett, for the Committee on Transportation, to whom was referred:

House Bill No. 361 (in new draft and new title), An act relative to fees for special permits to move objects or vehicles and loads

Having considered the same, reported the same with the following amendment, and recommended that the bill as amended ought to pass:

Amend section 1 of said bill by inserting after paragraph III the following new paragraphs:

IV. Provided further that a special annual permit may be issued to a person to cover all types of moves for a fee of one hundred dollars for each unit. Each permit issued under the provisions of this paragraph shall be issued for one year.

V. The provisions of this section shall not apply to any special permit authorized by section 37-b issued for farm equipment.

The report was accepted, amendment adopted, and the bill as amended was ordered to a third reading this afternoon at two o'clock.

Senator Spollett, for the Committee on Transportation, to whom was referred:

House Bill No. 505, An act to regulate the speed of motor vehicles on public highways, and to define the word "dealer" under the motor vehicle laws.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted, and the bill was ordered to a third reading this afternoon at two o'clock.

Senator Bingham, for the Committee on Judiciary, to whom was referred:

House Joint Resolution No. 27, Joint resolution directing the state planning and development commission to continue the study of the problems of the smaller communities.

Having considered the same, reported the same with the following resolution:

Resolved, That it is inexpedient to legislate.

The report was accepted, and the recommendation of the committee was adopted.

On motion of Senator Spollett the following resolution was adopted:

Resolved, That the rules be so far suspended as to permit all business in order for this afternoon at two o'clock to be made in order at the present time.

Third Readings

The following entitled bills were read a third time, and passed:

House Bill No. 361 (in new draft and new title), An act relative to fees for special permits to move objects or vehicles and loads.

House Bill No. 505, An act to regulate the speed of motor vehicles on public highways, and to define the word "dealer" under the motor vehicle laws.

On motion of Senator Butman the Senate adjourned.

THURSDAY, JULY 7, 1949

The Senate met according to adjournment.

Leave of Absence

Senator Brunel was granted a leave of absence on account of important business.

House Message

The following message was received from the House of Representatives, by its Clerk:

Mr. President:

The House of Representatives has passed the following entitled bill, in the passage of which it asks the concurrence of the Honorable Senate:

House Bill No. 425, An act relative to capital reserves for the city of Manchester.

The message further stated that the House of Representatives had voted to non-concur with the Honorable Senate in its amendment to the following entitled bill and asked for a Committee of Conference.

House Bill No. 525, An act to legalize proceedings of certain towns, school districts and county delegations, and to authorize other municipal action, and the Speaker appointed as members of such committee, on the part of the House, Messrs. Laraba of Portsmouth, Thompson of Laconia and Mrs. McPhail of Manchester.

On motion of Senator Reinhart the Senate voted to accede to the request of the House for a Committee of Conference on the above entitled bill.

Pursuant to the above request the President appointed as members of such committee, on the part of the Senate, Senators Reinhart and Caron.

Read and Referred

The following entitled bill, sent up from the House of Representatives, was read a first and second time and referred:

To the Committee on Judiciary:

House Bill No. 425, An act relative to capital reserves for the city of Manchester.

Committee Reports

Senator Nickerson, for the Committee on Agriculture, to whom was referred:

House Bill No. 175, An act relating to the distribution, sale, or transportation of insecticides, fungicides, rodenticides, and other economic poisons.

Having considered the same, reported the same with the following amendment and recommended that the bill as amended ought to pass.

Amend section 5 of the bill by striking out the whole of said section and substituting therefor the following:

5. *Fees.* The registrant shall pay an annual fee of \$10.00 for each economic poison registered, such fee to be deposited to the credit of a special fund not exceeding \$3,000.00 annually, to be used only for carrying out the provisions thereof. Provided, however, that any registrant may register annually any number of brands after the payment of annual fees aggregating \$100.00.

The report was accepted, amendment adopted, and the bill as amended was ordered to a third reading this afternoon at two o'clock.

Senator Nickerson, for the Committee on Agriculture, to whom was referred:

House Bill No. 308, An act relating to diseases of domestic animals.

Having considered the same, reported the same with the following amendment and recommended that the bill as amended ought to pass.

Amend section 1 of the bill by striking out the word "five" in the seventh and nineteenth lines of said section and substituting therefor the word, ten; so that said section as amended shall read as follows:

1. *Payments.* Amend section 57 of chapter 229 of the Revised Laws by striking out the words "twenty-five" in the fourth line and inserting in place thereof the word, fifty; further amend by striking out the word "fifty" in the fifth line and inserting in place thereof the words, provided however that payment shall not be paid to any owner of bovine animals as a result of any subsequent test for brucellosis, if, on such subsequent test, ten per cent or more herd infection is revealed, unless or until said owner makes application as specified under section 46-a of this chapter for vaccination of all bovine animals owned by him between the ages of six and eight months, so that said section as amended shall read as follows: 57. *Payments.* The state shall pay the owner, after he has filed such certificate or certificates as the commissioner may direct, one-third of the appraised value on all horses condemned and killed and for all bovine animals condemned and killed an amount not to exceed fifty dollars for a grade animal and seventy-five dollars for a registered pure bred animal providing that the amount received from salvage, from the federal government, and from the state shall not exceed the appraised value thereof; provided, however, that payment shall not be paid to any owner of bovine animals as a result of any subsequent test for brucellosis if, on such subsequent test, ten per cent or more herd infection is revealed, unless or until said owner makes application as specified under section

46-a of this chapter for vaccination of all bovine animals owned by him between the ages of six and eight months.

The report was accepted, amendment adopted, and the bill as amended ordered to a third reading this afternoon at two o'clock.

Senator Noel, for the Committee on Ways and Means, to whom was referred the resolution offered by Senator Daniell, pertaining to suggested sources of new revenue.

Having considered the same, reported the same with the following resolution:

Resolved, That it is inexpedient to legislate.

The report was accepted.

Senator McMeekin, as Chairman of the Committee on Ways and Means, explained to the Senate the reasons why the resolution was reported inexpedient to legislate.

On a *viva voce* vote the affirmative prevailed, and the resolution was adopted.

Reconsideration

On motion of Senator Reinhart, the Senate voted to reconsider its vote on House Joint Resolution No. 27, Joint resolution directing the State Planning and Development Commission to continue the study of problems of the smaller communities, whereby it had voted it inexpedient to legislate.

On motion of the same Senator the resolution was recommended to the Committee on Judiciary.

Senator Reinhart offered the following resolution and moved its adoption:

Resolved, That the rules be so far suspended as to limit debate henceforth on any question to not more than fifteen minutes for each Senator.

(Discussion ensued)

Senators Reinhart, McMeekin and O'Malley spoke in favor of the resolution.

Senator Daniell spoke in opposition to its adoption.

On motion of Senator Spollett the following resolution was adopted:

Resolved, That the rules be so far suspended as to permit all business in order for this afternoon at two o'clock to be made in order at the present time.

Third Readings

The following entitled bills were read a third time and passed:

House Bill No. 175, An act relating to the distribution, sale, or transportation of insecticides, fungicides, rodenticides, and other economic poisons.

House Bill No. 308, An act relating to diseases of domestic animals.

On motion of Senator Tarlson the following resolution was adopted:

Resolved, That when the Senate adjourns today it be to meet Tuesday morning at 11:00 o'clock.

President Bass extended a cordial invitation to the members of the Senate and attaches to be his guests at a dinner party to be held at the Franklin Pierce House on Wednesday, July 13th, at 7:00 o'clock.

On motion of Senator Butman the Senate adjourned.

TUESDAY, JULY 12, 1949

The Senate met according to adjournment.

Leave of Absence

Senator Caron was granted leave of absence on account of attending a funeral.

House Message

The following message was received from the House of Representatives, by its Clerk:

Mr. President:

The House of Representatives has passed the following entitled bills, in the passage of which it asks the concurrence of the Honorable Senate:

House Bill No. 111, An act relative to control of air pollution.

House Bill No. 514, An act relative to indemnity for condemned domestic animals.

House Bill No. 526, An act relative to the salary of the city clerk of Laconia.

The message further stated that the House of Representatives had voted to concur with the Honorable Senate in the passage of the following entitled bill, sent down from the Honorable Senate:

Senate Bill No. 134, An act relative to bounties on porcupines.

The message further stated that the House of Representatives had voted to concur with the Honorable Senate in its amendment to the following entitled bill:

House Bill No. 361, (in new draft and new title), An act relative to fees for special permits to move objects or vehicles and loads.

The message further stated that the House of Representatives concurred with the Honorable Senate in the passage of the following entitled bill, with amendments, in the passage of which amendments the House of Representatives asked the concurrence of the Honorable Senate:

Senate Bill No. 114, An act relative to fishing and hunting licenses.

1. *Licenses.* Amend section 6 of chapter 247 of the Revised Laws by inserting after paragraph I the following new paragraphs: I-a. If the applicant is a resident of this state and wishes to fish only, two dollars and twenty-five cents, and the agent shall thereupon issue a resident fishing license which shall entitle the licensee to kill and take and to transport fish and salt water smelt, under the restrictions of this title. I-b. If the applicant is a resident of this state and wishes to hunt only, two dollars and twenty-five cents, and the agent shall thereupon issue a resident hunting license, which shall entitle the licensee to hunt, shoot, kill or take except by the use of traps, and to transport game birds, and game animals under the restrictions of this title.

2. *Takes Effect.* This act shall take effect January 1, 1950.

On motion of Senator Ainsworth the Senate voted to non-concur in the adoption of the amendment and asked for a Committee of Conference.

Pursuant to the above request, the President appointed as members of such committee, on the part of the Senate, Senators Ainsworth and Hayes.

The message further stated that the House of Representatives had voted to adopt the amendment offered by the Committee on Engrossed Bills, to the following House bill, in the adoption of which amendment the House of Representatives asked the concurrence of the Honorable Senate:

Senate Bill No. 138, An act relating to highways.

Amend section 1 of said bill by striking out the first two lines and inserting in place thereof the following:

1. *Uniform Application of Certain Parts of the Highway Law.* The provisions of parts 24 and 25 of chapter 90 of the Revised Laws as inserted by chapter 188

On motion of Senator Noel, the Senate voted to concur in the adoption of the amendments offered by the Committee on Engrossed Bills to the above entitled bill sent up from the House of Representatives.

Read and Referred

The following entitled bills sent up from the House of Representatives were read a first and second time and referred:

To the Committee on Judiciary:

House Bill No. 11, An act relative to control of air pollution.

House Bill No. 526, An act relative to the salary of the city clerk of Laconia.

To the Committee on Finance:

House Bill No. 514, An act relative to idemnity for condemned domestic animals.

Bill Recalled from Governor

On motion of Senator Ainsworth, the following resolution was adopted:

Resolved, That His Excellency, the Governor, be requested to return to the Senate for further consideration, Senate Bill

No. 127, An act relative to the powers of the Director of Fish and Game.

Bill Returned from the Governor

Pursuant to the above request, his Excellency the Governor, returned to the Senate for further consideration the above entitled bill.

On motion of the same Senator, the rules were suspended to allow a re-consideration of the vote whereby the Senate concurred in the adoption of the amendment sent up from the House of Representatives.

On motion of the same Senator, the Senate voted to non-concur in the adoption of the amendment and asked for a Committee of Conference.

Pursuant to the above request, the President appointed as members of such committee on the part of the Senate, Senators Ainsworth and Hayes.

Committee Reports

Senator Wiggin, for the Committee on Fisheries and Game and Forestry and Recreation, to whom was referred:

House Bill No. 7, An act relative to white pine blister law.

House Bill No. 477, An act to restrict the use of purses, seines and beam trawls on the New Hampshire Sea Coast.

House Bill No. 491, An act establishing an official gauge for measuring the water levels of Lake Winnepesaukee.

Having considered the same, reported the same without amendments, and recommended their passage.

The reports were accepted and the bills were ordered to a third reading this afternoon at 2 o'clock.

Senator Wiggin, for the Committee on Fisheries and Game and Forestry and Recreation, to whom was referred:

House Bill No. 487, An act relating to the Northeastern Interstate Forest Fire Compact.

Having considered the some, reported the same without amendment, and recommended its passage.

The report was accepted and the bill was referred to the Committee on Finance under the rules.

Senator Noel, for the Committee on Labor, to whom was referred:

House Bill No. 399, (in new draft and new title), An act relating to minimum wages for certain employees.

Having considered the same, reported the same with the following amendment and recommended that the bill as amended ought to pass.

Amend sub-section 25 of section 1 of the bill by striking out all after the words "farm labor" in the third line, and substituting in place thereof the following: outside salesmen and summer camps for minors. For the purpose of this act the value of all meals and lodgings furnished an employee by his employer, and gratuities or tips received by virtue of such employment, shall be included in determining the hourly rate of pay of an employee; so that said sub-section as amended shall read:

25. *Minimum Wages.* No person, firm or corporation shall employ any employees at a rate of less than fifty cents per hour provided that this limitation shall not apply to employees engaged in household labor, domestic labor, farm labor, outside salesmen, and summer camps for minors. For the purpose of this act the value of all meals and lodgings furnished an employee by his employer, and gratuities or tips received by virtue of such employment, shall be included in determining the hourly rate of pay of an employee.

Amend section 3 of the bill by striking out the whole of said section and substituting therefor the following:

3. *Takes Effect.* This act shall take effect January 1, 1950.

The report was accepted. Question on the adoption of the amendment.

(Discussion ensued)

Senator Dole favored the adoption of the amendment.

Senator C. Cummings moved that the bill with the accompanying amendment be laid upon the table and made a special order for Tuesday, July 19th, at 11:01.

(Discussion ensued)

Senators McMeekin and Noel opposed the motion.

Senator Pierce requested a recess.

Recess

Senate re-assembled.

The question being stated, Shall the bill be laid upon the table and be made a special order for Tuesday, July 19th, at 11:01?

On a *viva voce* vote the affirmative prevailed and the motion was adopted.

Senator Noel, for the Committee on Engrossed Bills, to whom was referred:

Senate Bill No. 110, An act relative to employees of the Fish and Game Department.

Having considered the same, reported the same under Joint Rule No. 6 with the following amendment and recommended that the bill as amended ought to pass.

Amend section 1 of said bill by striking out the word "office" in the ninth line and inserting in place thereof the word, duties,

Amend section 2 of said bill by striking out the words "efficiency ratings and."

On motion of Senator Otis the report was accepted, the amendment adopted, and the bill as amended sent to the House of Representatives for concurrence in Senate amendment.

Senator Noel, for the Committee on Engrossed Bills, to whom was referred:

House Bill No. 360, An act relating to certain tax exemption of citizens who fought with allies of the United States.

Having considered the same, reported the same under Joint Rule No. 6 with the following amendment, and recommended that the bill as amended ought to pass.

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1. *Poll Taxes.* Amend section 1 of chapter 73 of the Revised Laws as amended by chapter 5 of the Laws of 1944 by striking out said section and inserting in place thereof the following: 1. *Persons Liable.* A poll tax of two dollars shall be assessed on every inhabitant of the state from twenty-one to seventy years of age whether a citizen of the United States or an alien, except paupers, insane persons, the widow of any

veteran who served in the armed forces of the United States in any wars in which it has been engaged, the widow of any citizen who served in the armed forces of any country allied with the United States in any of the wars as defined by chapter 167 of the Laws of 1949, and section 29-c, chapter 73 of the Revised Laws as inserted by chapter 240 of the Laws of 1947, and others exempt by special provisions of law.

2. *Exemptions.* Amend section 2 of said chapter 73 as amended by section 1 of chapter 173 of the Laws of 1943 by striking out all of said section and inserting in place thereof the following: 2. *Veterans' Exemption.* Any veteran of any war in which the United States has been engaged and any veteran of the armed forces of the governments allied with the United States as defined by section 29-c of this chapter, who shall present to the selectmen or assessors of the town in which he lives, for inspection and record, his pension certificate awarding to him an invalid pension of any amount, or a discharge other than dishonorable from such wars, shall thereafter be exempt from the levy of a poll tax.

3. *Repeal.* Section 4 of said chapter 73 as amended by section 2, chapter 173, Laws of 1943, relative to disability exemption, is hereby repealed.

4. *Veterans of Allied Forces.* Amend section 29-c of said chapter 73, as inserted by chapter 240 of the Laws of 1947, by inserting after the word "who" in the third line the words, being a citizen of the United States, or, so that said section as amended shall read as follows: 29-c. *Veterans of Allied Forces.* Any person otherwise entitled under the provisions of sections 29, 29-a, or 29-b of this chapter who being a citizen of the United States, or being a resident of New Hampshire, at the time of his entry therein, served on active duty in the armed forces of any of the governments associated with the United States in the wars set forth in section 29 shall be entitled to the exemption authorized by said section.

5. *Takes Effect.* This act shall take effect upon its passage.

On motion of Senator Daniell, the report was accepted, the amendment adopted, and the bill as amended was sent to the House of Representatives for concurrence in the Senate amendment.

Bills Engrossed

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled bills:

Senate Bill No. 57, An act amending the charter of the city of Concord.

Senate Bill No. 121, An act discontinuing the registration of assistant pharmacists and relating to qualifications for registration as pharmacists.

House Bill No. 185, An act relating to photographic copies of documents and records.

House Bill No. 479, An act relative to protection against Bang's disease.

House Bill No. 505, An act to regulate the speed of motor vehicles on public highways and to define the word "dealer" under the motor vehicle laws.

ALDEGE A. NOEL,
For the Committee.

Resolutions

On motion of Senators Reinhart and O'Malley, the following resolution was adopted:

Resolved, That the Senate heartily endorses the United States Opportunity Bond Drive in New Hampshire,

Further Resolved, That we urge people in the State to support the drive by purchasing bonds, which the Senate believes is America's best buy, to the end that New Hampshire will go over its quota and take its rightful place with other great states,

Further Resolved, That attention be called to Friday, July 15th next, which is designated as B-Day in this Drive.

Senator Spollett moved that the following resolution be adopted:

Resolved, That the rules be so far suspended as to permit all business in order for this afternoon at two o'clock to be made in order at the present time.

Senator Daniell spoke in opposition to the suspension of rules.

Senator McMeekin spoke in favor of the motion.

On a *viva voce* vote the affirmative prevailed, and the motion was adopted.

Third Readings

The following entitled bills were read a third time and passed:

House Bill No. 7, An act relative to white pine blister law.

House Bill No. 477, An act to restrict the use of purses, seines and beam trawls on the New Hampshire sea coast.

House Bill No. 491, An act establishing an official gauge for measuring the water levels of Lake Winnepesaukee.

On motion of Senator Butman the Senate adjourned.

WEDNESDAY, JULY 13, 1949

The Senate met according to adjournment.

Leaves of Absence

Senators E. Cummings and Hartnett were granted leaves of absence on account of important business.

House Message

The following message was received from the House of Representatives, by its Clerk:

Mr. President:

The House of Representatives has passed the following entitled bills and joint resolution, in the passage of which it asks the concurrence of the Honorable Senate:

House Bill No. 219, (in new draft and with new title), An act relative to determination of value of annuities of life estates to the inheritance tax laws.

House Bill No. 255, An act dividing Merrimack county into commissioner districts.

House Joint Resolution No. 21, Joint resolution reimbursing certain towns for forest fire expenses.

The message further stated that the House of Representatives refused to concur with the Honorable Senate in the passage of the following entitled bill:

Senate Bill No. 75, An act providing for a people's counsel connected with the public service commission.

The message further stated that the House of Representatives had voted to concur with the Honorable Senate in its amendments to the following entitled bills:

House Bill No. 175, An act relating to the distribution, sale or transportation of insecticides, fungicides, rodenticides, and other economic poisons.

House Bill No. 308, An act relating to diseases of domestic animals.

Read and Referred

The following entitled bills and joint resolution, sent up from the House of Representatives, were read a first and second time and referred:

To the Committee on Judiciary:

House Bill No. 255, An act dividing Merrimack county into commissioner districts.

To the Committee on Ways and Means:

House Bill No. 219, (in new draft and with new title), An act relative to determination of value of annuities or life estates to the inheritance tax laws.

To the Committee on Finance:

House Joint Resolution No. 21, Joint resolution reimbursing certain towns for forest fire expenses.

*** Introduction of Bill**

Senator Reinhart, for the Committee on Rules, introduced the following entitled bill, which was read a first and second time, laid upon the table to be printed, and referred:

To the Committee on Judiciary:

Senate Bill No. 140, An act relative to bond issue for the Pittsburg School District.

On motion of Senator Reinhart, the rules were suspended, printing and reference to committee dispensed with, and the bill was placed on its third reading and final passage at the present time.

Committee Reports

Senator Bingham, for the Committee on Judiciary, to whom were referred:

House Bill No. 79, An act to revive the charter of the city of Keene.

House Bill No. 425, An act relative to capital reserves for the city of Manchester.

Having considered the same, reported the same without amendment and recommended their passage.

The reports were accepted and the bills were ordered to a third reading this afternoon at two o'clock.

Committee of Conference Report

The Committee of Conference, to whom was referred House Bill No. 517, An act relative to the administration of the unemployment compensation law, having considered the same recommended that the Senate recede from its position in the adoption of the amendment to said bill and concur with the House in the passage of said bill.

FREDERIC H. FLETCHER,
GEO. W. ANGUS,
THOMAS WATERHOUSE,
Conferees on the Part of the House.

N. A. McMEEKIN,
JOHN W. DOLE,
Conferees on the Part of the Senate.

On a *viva voce* vote the affirmative prevailed, and the report of the Committee of Conference was adopted.

Senator Noel, for the Committee on Engrossed Bills, to whom was referred Senate Bill No. 94, An act relating to beano.

Having considered the same, reported the same, under Joint Rule No. 6, with the following amendment, and recommended that the bill as amended ought to pass.

Amend section 1 of said bill by striking out the word "presently" in the twelfth line.

On motion of Senator Lalumiere the amendment was adopted and the bill as amended was sent to the House of Representatives for concurrence in Senate amendment.

Bills Engrossed

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled bills:

House Bill No. 512, An act relative to the charter of the city of Dover.

House Bill No. 529, An act changing the name of Nashua Building and Loan Association to Nashua Building and Loan Cooperative Bank.

Senate Bill No. 99, An act relative to insertion of articles in the warrant for school district meeting.

Senate Bill No. 134, An act relative to bounties on porcupines.

House Bill No. 361, An act relative to fees for special permits to move objects or vehicles and loads.

ALDEGE A. NOEL,
For the Committee.

Personal Privilege

Senator McMeekin arose to a point of personal privilege, seeking information as to the disposition of House Bill No. 320, which had been advertised in the committee reports in the Journal of July 7th, but which had not as yet been placed before the Senate body for final action. He was informed by the Chair that it was hoped that action on the above bill would be forthcoming tomorrow.

Resolution

On motion of Senator Bingham, the following resolutions were adopted:

Whereas, we have learned of the death of former United States Senator, Henry French Hollis, of Concord, and

Whereas, Senator Hollis served in Europe as a member of the United States War Department Liquidation Commission to which he had been appointed by President Woodrow Wilson, and received awards from the French, Polish and Serbian governments for his services to those countries in the years after World War I, therefore be it

Resolved, That we, the members of the Senate of the New Hampshire Legislature, pay tribute to our fellow countryman for his services to his city, state, country and fellowmen, and that we extend our heartfelt sympathy to the family in its bereavement, and be it further

Resolved, That the Clerk transmit a copy of these resolutions to Senator Hollis' brother, Allen Hollis.

On motion of Senator Spollett the following resolution was adopted:

Resolved, That the rules be so far suspended as to permit all business in order for this afternoon at two o'clock, to be made in order at the present time.

Third Readings

The following entitled bills were read a third time and passed:

House Bill No. 79, An act to revise the charter of the city of Keene.

House Bill No. 425, An act relative to capital reserves for the city of Manchester.

On motion of Senator Butman the Senate adjourned.

THURSDAY, JULY 14, 1949

The Senate met according to adjournment.

Leave of Absence

Senator Hartnett was granted leave of absence on account of important business.

House Message

The following message was received from the House of Representatives, by its Clerk:

Mr. President:

The House of Representatives has passed the following entitled bills and joint resolution, in the passage of which it asks the concurrence of the Honorable Senate:

House Bill No. 530, An act to establish a standard mileage table for the general court.

House Bill No. 531, An act relating to the Portsmouth-Seabrook Toll Road.

House Joint Resolution No. 36, Joint resolution in favor of Octave J. Goulet.

The message further stated that the House of Representatives has voted to accede to the request of the Honorable Senate asking for a Committee of Conference on the following entitled bills:

Senate Bill No. 114, An act relative to hunting and fishing licenses.

The Speaker appointed as members of such committee on the part of the House: Messrs. Washburn of Bartlett, Converse of Pittsburg and Kelley of Littleton.

Senate Bill No. 127, An act relative to the powers of the director of fish and game.

The Speaker appointed as members of such committee on the part of the House: Messrs. Whittier of Bethlehem, Zimmerman of Keene and Fernald of Rochester.

The message further stated that the House of Representatives has voted to concur with the Honorable Senate in its amendments to the following entitled bills:

Senate Bill No. 110, An act relative to employees of the Fish and Game Department.

House Bill No. 360, An act relating to certain tax exemptions of citizens who fought with allies of the United States.

Read and Referred

The following entitled bills and joint resolutions sent up from the House of Representatives were read a first and second time and referred:

To the Committee on Ways and Means:

House Bill No. 530, An act to establish a standard mileage table for the general court.

To the Committee on Finance:

House Bill No. 531, An act relating to the Portsmouth-Seabrook Toll Road.

House Joint Resolution No. 36, Joint resolution in favor of Octave J. Goulet.

Committee Reports

Senator Bingham, for the Committee on Judiciary, to whom was referred:

House Bill No. 413, An act relating to the lobsters and crabs.

Having considered the same, reported the same with the following amendments, and recommended that the bill as amended ought to pass.

Amend section 8 of the bill by striking out the whole of said section and substituting in place thereof the following: 47-a. *Exception.* Nothing in the provisions of section 47 shall be construed to prevent hotels or restaurants serving cooked lobster to guests for immediate consumption as food, from chopping lawful lobster meat in reasonable quantities for current use. In any case an amount in excess of ten pounds shall be *prima facie* excessive unless said hotel or restaurant has, at least twenty-four hours prior to chopping up a quantity in excess of two pounds, notified the commissioner in writing so that said lobster might be inspected by a conservation officer prior to being chopped. Nor shall said section prevent an individual from chopping lobster meat for immediate consumption by himself and family.

Amend section 12 of the bill by striking out the whole of said section and substituting in place thereof the following: 53-b. *Revocation.* Any person holding a license under section 53 or 53-a who may be convicted of a violation of the laws relating to lobsters and crabs, shall forfeit such license for not more than one year from the date of conviction in the discretion of the director.

The report was accepted, amendments adopted, and the bill as amended ordered to a third reading this afternoon at 2 o'clock.

Senator Wiggin for the Committee on Fisheries and Game, Forestry and Recreation, to whom was referred:

House Bill No. 320, An act relating to the extermination of wild boars in the counties of Sullivan and Grafton.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted, and the bill was ordered to a third reading this afternoon at 2 o'clock.

Committee of Conference Report

The Committee of Conference, to whom was referred Senate Bill No. 88, An act relating to the covering of wells, having considered the same, reported the same with the following recommendation:

That the Senate recede from its position of nonconcurrency and concur in the adoption of the amendments proposed by the House.

N. A. McMEEKIN,
MARYE WALSH CARON,
Conferees on the Part of the Senate.

ROBERT A. JOHNSON,
MARY C. DONDERO,
ELMER H. DOWNS,
Conferees on the Part of the House.

On a *viva voce* vote the affirmative vote prevailed, and the report of the Committee of Conference was adopted.

Senator Noel, for the Committee on Engrossed Bills, to whom was referred:

House Bill No. 7, An act relative to white pine blister law.

Having considered the same, reported the same, under Joint Rule No. 6, with the following amendment and recommended that the bill as amended ought to pass.

Amend section 3 of said bill by striking out the last two lines and inserting in place thereof the following: forester to the selectmen of the town stating the date when, and the location where, operations for such removal or destruction will be begun.

On motion of Senator Otis the amendment was adopted, and the bill as amended was sent to the House of Representatives for concurrence in Senate amendment.

Senator Noel, for the Committee on Engrossed Bills, to whom was referred:

House Bill No. 425, An act relative to capital reserves for the city of Manchester.

Having considered the same, reported the same, under Joint Rule No. 6, with the following amendment and recommended that the bill as amended ought to pass.

Amend section 1 of said bill by striking out the words "city council" where they occur in said section and inserting in place thereof the words, mayor and board of aldermen,

On motion of Senator Otis the amendment was adopted,

and the bill as amended was sent to the House of Representatives for concurrence in Senate amendment.

The President declared a recess.

Recess

The Senate re-assembled.

Introduction of Guest

The President introduced to the members of the Senate, former Senator Charles Steele of Epsom.

Committee Report

Senator Bingham, for the joint committee on Education and Judiciary, to whom was referred:

House Bill No. 146, An act prohibiting the teaching of doctrines of communism or overthrow of government by force in public or private schools in the state.

Having considered the same, reported the same without amendment and recommended that the bill ought to pass.

The report was accepted.

Senator Daniell moved that the bill be indefinitely postponed.

(Discussion ensued)

Senator Daniell spoke in favor of indefinite postponement.

The question being stated, Shall the bill be indefinitely postponed?

On a *viva voce* vote the negative prevailed, and the motion to indefinitely postpone was lost.

Senator Reinhart moved that the bill be laid upon the table and be made a special order for Tuesday, July 19th at 11:02 o'clock.

Senator O'Malley spoke in opposition to the motion.

On a *viva voce* vote the negative prevailed, and the motion was lost.

Senator Bingham offered the following amendment:

Section 2-a. The state treasurer is directed and authorized to deduct an amount not to exceed \$18.75 from the compensation of each member of this Legislature and to purchase

in the name of each member of this Legislature a United States Bond with the amount of such deduction.

The Chair declared that the amendment offered by Senator Bingham was out of order, it not being germane to House Bill No. 146.

Senator Bingham appealed from the decision of the Chair and requested a roll call on his appeal.

The Clerk proceeded to call the roll.

The following named Senators voted in the affirmative: Hayes, C. Cummings, McMeekin, Nickerson, Dole, Tarlson, Ainsworth, Brunel, Pierce, Noel, Wiggins, Otis, Caron, O'Malley, Lalumiere, Burbank, Butman, Spollett and Reinhart.

The following named Senators voted in the negative: Daniell and Bingham.

Nineteen Senators having voted in the affirmative and two Senators having voted in the negative, the affirmative prevailed and the decision of the Chair was upheld.

Senator McMeekin offered an amendment to strike out section 1 of the bill.

(Discussion ensued)

Senators Noel and Daniell opposed the adoption of the amendment.

Senator McMeekin withdrew his amendment.

Senator Noel moved to substitute the words, ought to pass for the words, ought to pass with amendment. His motion was ruled out of order by the Chair.

The question being stated, This bill is on its second reading and open to further amendment. Shall the bill be read a third time?

On a *viva voce* vote the affirmative prevailed, and the bill was ordered to a third reading this afternoon at two o'clock.

On motion of Senator Spollett the following resolution was adopted:

Resolved, That the rules be so far suspended as to permit all business in order for this afternoon at two o'clock be made in order at the present time.

Third Readings

The following entitled bills were read a third time and passed:

House Bill No. 413, An act relating to the lobsters and crabs.

House Bill No. 320, An act relating to the extermination of wild boars in the counties of Sullivan and Grafton.

Senator Ainsworth moved that the Senate reconsider its vote whereby it passed House Bill No. 320.

On a *viva voce* vote the negative prevailed, and the motion to reconsider was lost.

House Bill No. 146, An act prohibiting the teaching of doctrines of communism or overthrow of government by force in public or private schools in the state.

Senator Bingham requested a roll call on the passage of the above entitled bill.

The Clerk proceeded to call the roll.

The following named Senators voted in the affirmative: Hayes, C. Cummings, McMeekin, Nickerson, Dole, Tarlson, Ainsworth, Brunel, Pierce, Noel, Wiggin, Otis, Bingham, Caron, O'Malley, Lalumiere, Burbank, Butman, Spollett and Reinhart.

The following named senator voted in the negative: Daniell.

Twenty senators having voted in the affirmative and one senator having voted in the negative, the affirmative prevailed and the bill passed.

On motion of Senator Tarlson, the following resolution was adopted:

Resolved, That when the Senate adjourns today it be to meet Tuesday morning at 11:00 o'clock.

On motion of Senator Butman the Senate adjourned.

TUESDAY, JULY 19, 1949

The Senate met according to adjournment.

House Message

The following message was received from the House of Representatives, by its Clerk:

Mr. President:

The House of Representatives has passed the following entitled bills, in the passage of which it asks the concurrence of the Honorable Senate:

House Bill No. 38, An act relative to the salary of the director of the children's home.

House Bill No. 307, An act relating to the salary of the superintendent of the state hospital.

House Bill No. 499, An act relating to forest conservation and taxation.

The message further stated that the House of Representatives has voted to concur with the Honorable Senate in its amendments to the following entitled bill:

Senate Bill No. 94, An act relating to beano.

Read and Referred

The following entitled bills sent up from the House of Representatives were read a first and second time and referred:

To the Committee on Finance:

House Bill No. 38, An act relative to the salary of the director of the children's home.

To the Committee on Public Welfare and State Institutions:

House Bill No. 307, An act relating to the salary of the superintendent of the state hospital.

To the Joint Committees on Finance, Ways and Means, Fisheries and Game, and Forestry and Recreation:

House Bill No. 499, An act relating to forest conservation and taxation.

Resolution

The following resolution was received by President Bass from the State Employees' Association and referred to the Committee on Finance.

Whereas, the 1949 General Court provided for a cost-of living bonus for State employees, which provisions were effective until June 30, 1949 and

Whereas, it was understood at the time said legislation was passed that the new classification plan would be effective as of July 1, 1949 and enacted, and

Whereas, because of financial difficulties the General Court has not yet taken action on a classification plan.

Be It Therefore Resolved, That the State Employees' Association desires to bring to the attention of the General Court the situation as it now exists relative to the fact that there has been no easing of the economic situation as far as the cost of living of said employees is concerned, and respectfully requests consideration of the passage of legislation which will provide for extending the provisions of the so-called bonus act until such time as the new classification act shall become effective.

ROBERT J. HART,
*President of the New Hampshire
State Employees' Association*

MARIE EDWARDS,
*Secretary of the New Hampshire
State Employees' Association*

Senator Daniell moved that pending final action by the Legislature on a new classification plan the continuation of the \$25.00 a month bonus for state workers is of the greatest importance, and the rules committee is hereby requested to immediately submit the necessary enabling legislation to bring this about.

President Bass referred the motion to the Committee on Finance.

Senator Daniell moved that the order whereby his motion was referred to the Committee on Finance be vacated, and that the motion be acted on at the present time.

Senators Bingham and Daniell spoke in favor of the motion.

Senators O'Malley and Noel spoke in opposition to the motion.

On a *viva voce* vote the negative prevailed, and the motion was referred to the Committee on Finance.

Committee Reports

Senator Bingham, for the Committee on Judiciary, to whom was referred:

House Bill No. 435 (in new draft), An act relating to the charter of the city of Portsmouth.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted, and the bill was ordered to a third reading this afternoon at two o'clock.

Committee of Conference Report

The Committee of Conference, to whom was referred:

Senate Bill No. 127, An act relative to the powers of the director of fish and game.

Having considered the same, recommended that the Senate recede from its position of non-concurrence in the House amendment, that the House recede from its position in adopting its amendment, and that the Senate and House adopt the following amendment to the bill:

Amend section 1 of said bill by striking out the same and inserting in place thereof the following:

1. *Fish and Game Director.* Amend chapter 243 of the Revised Laws by inserting after section 2, as amended by chapter 129 of the Laws of 1947 the following new section:
2-a. *Closed Season on Pheasants.* The director, with the approval of the commission, shall have the power and authority to close any area in the state for taking pheasants for the propagation of such game birds. In case the director shall determine to close any area under the authority of this section, he shall publish notice thereof at least once in such a manner as will fairly acquaint the residents of the locality affected

thereby of the provisions of such closure. Such notice shall be given at least two weeks prior to October fifteen in any year.

CHARLES H. WHEELER,
WM. G. ZIMMERMAN,
LLEWELLYN F. FERNALD,
Conferees on the part of the House.

J. L. AINSWORTH,
FRED G. HAYES, JR.,
Conferees on the Part of the Senate.

On a *viva voce* vote the report of the Committee of Conference was adopted.

Senator Noel, for the Committee on Engrossed Bills, to whom was referred:

House Bill No. 79, An act to revise the charter of the city of Keene.

Having considered the same, reported the same under Joint Rule No. 6 with the following amendment, and recommended that the bill as amended ought to pass.

Amend the title of said bill by striking out the same, and inserting in place thereof the following:

An act to provide for mayor-councilmen form of charter for the city of Keene.

Amend section 12 of said bill by striking out the same, and inserting in place thereof the following:

12. *Takes Effect.* If an act to revise the charter of the city of Keene approved June 29, 1949 is adopted at the special election held in the city of Keene on the second Tuesday in September, 1949, then this act shall be of no effect. If the act hereinbefore mentioned shall not be adopted at said special election in September, 1949, then this act shall take effect as follows: so much as relates to the preliminaries for, and the holding and conduct of, the first municipal election under this act shall take effect immediately, for all other purposes this act shall take effect on the first day of January following the first election under this charter.

On motion of Senator Pierce the report was accepted, amendment adopted, and the bill as amended was sent to the

House of Representatives for concurrence in Senate amendment.

Senator O'Malley, for the Committee on Finance, to whom was referred:

House Bill No. 211, An act making appropriations for the expenses of the State of New Hampshire for the year ending June 30, 1950.

Having considered the same, reported the same with the following amendment, and recommended that the bill as amended ought to pass:

(Amendments printed in appendix to Senate Journal of July 14, 1949)

The report of the committee was accepted.

Senator Bingham moved that House Bills Nos. 211 and 212, which relate to the expenses of the State of New Hampshire for the fiscal years 1950 and 1951 be laid on the table, and made a special order for Wednesday, July 20, at 11:01.

Senators O'Malley, Renhart and C. Cummings spoke in opposition to the motion.

Senator Bingham and Daniell spoke in favor of the motion.

Senator Noel moved the previous question.

The question being, Shall the main question now be put?

On a *viva voce* vote the affirmative prevailed, and the main question was now in order, it being, Shall the above entitled bills be laid on the table and made a special order for Wednesday, July 20, at 11:01?

On a *viva voce* vote the negative prevailed, and the motion to lay on the table was lost.

The question now being on the adoption of the amendment offered by the committee.

Senator Daniell spoke in opposition to the amendment.

Senators Spollett, Bingham and Hartnett spoke in favor of the amendments.

On motion of Senator Otis, smoking was permitted in the Senate by its members during the balance of today's session.

On a *viva voce* vote the affirmative prevailed, and the amendments were adopted.

The bill being on its second reading and open to further amendment.

Senator C. Cummings offered the following amendment, and moved its adoption:

The Bank Commissioner shall collect from the institutions, the condition and management of which the Bank Commissioner is required to examine under the provisions of section 8 of chapter 307 of the Revised Laws as the total cost of such examination, the sum of \$45,578, annually and each such institution shall pay to the State annually within thirty days after receipt by it of notice of assessment, such proportion of the total sum collectable hereunder as its assets bear to the total assets of all such institutions as shown by the reports to the Bank Commissioner as of the 30th of June preceding such payments. Sums collected under the provisions hereof shall be credited to the appropriation for the Bank Commissioner.

On a *viva voce* vote the affirmative prevailed, and the amendment was adopted.

Senator Daniell offered the following amendment and moved its adoption:

Amend the bill by striking out on page 35, line 15 the figures \$400,000. and substituting therefor the figures \$2,000,000.

Senator Daniel spoke in favor of the amendment.

Senator Noel spoke in opposition to the amendment.

Senator Bingham requested the Clerk to read the amendment.

The question being, Shall the amendment be adopted? and on that question Senator Daniell demanded a roll call. •

The Clerk proceeded to call the roll.

The following named senators voted in the affirmative: Senators Daniell and Caron.

The following named senators voted in the negative: Senators Hayes, C. Cummings, McMeekin, Nickerson, Dole, Tarlson, Ainsworth, Brunel, Pierce, E. Cummings, Noel, Wiggin, Otis, Bingham, O'Malley, Lalumiere, Burbank, Hartnett, Butman, Spollett and Reinhart.

Two senators having voted in the affirmative and twenty-one senators having voted in the negative, the negative prevailed and the amendment was not adopted.

Senator Bingham offered the following amendment and moved its adoption:

Amend House Bill No. 211 by inserting the following new section:

SECTION 6. *Legislative Fiscal Committee.* There shall be a special Legislative Committee composed of seven members of the House, to be appointed by the Speaker of the House and three members of the Senate to be appointed by the President of the Senate, who shall examine the fiscal condition of the State and the sufficiency of the funds appropriated to carry on the essential functions of the State. This committee shall report at the special session of this Legislature such additional tax and other revenue measures and appropriations as may be needed to carry on the essential functions of the state government, including education.

Further amend the bill by renumbering section 6 of the bill to read section 7.

Senators Bingham and Daniell spoke in favor of the amendment.

President Bass ruled Senator Daniell out of order as his remarks were not germane to the subject.

Senator Daniell appealed from the ruling of the Chair.

The question being stated, Is the decision of the Chair correct? and on that question the Chair requested a division,

Twenty-two senators having voted in the affirmative and one senator having voted in the negative, the affirmative prevailed and the ruling of the Chair was sustained.

Senator Noel spoke in opposition to the amendment.

Senator Reinhart moved the previous question, it being, Shall the main question now be put?

On a *viva voce* vote the affirmative prevailed, and the main question was now in order, it being, Shall the amendment be adopted?

On a *viva voce* vote the negative prevailed, and the amendment was not adopted.

Senator Bingham requested a division.

Four senators having voted in the affirmative and nineteen senators having voted in the negative, the negative prevailed and the amendment was not adopted.

The question now being, Shall the bill be read a third time?

On a *viva voce* vote the affirmative prevailed, and the bill was ordered to a third reading this afternoon at two o'clock.

Senator Bingham, for the Committee on Finance, to whom was referred:

House Bill No. 212, An act making appropriations for the expenses of the State of New Hampshire for the year ending June 30, 1951.

Having considered the same, reported the same with the following amendment and recommended that the bill as amended ought to pass.

(See appendix to Senate Journal as of July 14, 1949.)

The report was accepted and the amendment was adopted.

The bill being on its second reading and open to further amendment.

On motion of Senator C. Cummings the following amendment was adopted:

The Bank Commissioner shall collect from the institutions, the condition and management of which the Bank Commissioner is required to examine under the provisions of Section 8 of Chapter 307 of the Revised Laws as the total cost of such examination, the sum of \$45,578 annually and each such institution shall pay to the State annually within thirty days after receipt by it of notice or assessment, such proportion of the total sum collectable hereunder as its assets bear to the total assets of all such institutions as shown by the reports to the Bank Commissioner as of the 30th of June preceding such payments. Sums collected under the provisions hereof shall be credited to the appropriation for the Bank Commissioner.

Senator Daniell offered the following amendment and moved its adoption:

Amend House Bill No. 212, by striking out the figure \$400,000 on page 35, line 12, and substituting therefore the figures \$1,500,000.

Senator Daniel spoke in favor of the amendment.

The question being on the adoption of the amendment and on that question Senator Daniell demanded a roll call.

The Clerk proceeded to call the roll.

The following named senators voted in the affirmative:
Senators Daniell and Caron.

The following named senators voted in the negative:
Senators Hayes, C. Cummings, McMeekin, Nickerson, Dole, Tarlson, Ainsworth, Brunel, Pierce, E. Cummings, Noel, Wiggin, Otis, Bingham, O'Malley, Lalumiere, Burbank, Hartnett, Butman, Spollett.

Two senators having voted in the affirmative, and twenty senators having voted in the negative, the negative prevailed and the amendment was not adopted.

Senator Daniell offered the following amendment and moved its adoption:

Amend the bill by striking out on page 52, line 36, the figures \$932,040.50 and substituting in place thereof the figures \$800,000.

President Bass requested the motion to be seconded under the rules.

Senator Bingham seconded the motion.

Senator Bingham spoke in favor of the motion.

Senator C. Cummings spoke in opposition to the amendment.

Senator Spollett moved the previous question, it being, Shall the main question now be put?

On a *viva voce* vote the affirmative prevailed, and the main question was now in order, it being, Shall the amendment be adopted?

On a *viva voce* vote the negative prevailed, and the amendment was not adopted.

The question being stated, Shall the bill be read a third time?

On a *viva voce* vote the affirmative prevailed, and the above entitled bill was ordered to a third reading this afternoon at two o'clock.

Senator C. Cummings called for the special order, it being:

House Bill No. 399, An act relating to minimum wages for certain employees.

The question being on the adoption of the amendment offered by the committee.

Senator C. Cummings offered the following amendment to the amendment and moved its adoption:

Amend sub-section 25 of section 1 of the bill by striking out all of the sub-section after the words "summer camps for minors," and inserting the following: restaurants, hotels, inns and cabins; so that said sub-section 25 as amended shall read:

25. *Minimum Wages.* No person, firm or corporation shall employ any employees at a rate less than fifty cents per hour, provided that this limitation shall not apply to employees engaged in household labor, domestic labor, farm labor, outside salesmen, summer camps for minors, restaurants, hotels, inns and cabins.

Senators Burbank and Dole spoke in favor of the amendment.

Senator Butman requested a recess of one-half hour.

On a *viva voce* vote the negative prevailed, and the recess was not allowed.

The question now being on the adoption of the amendment offered by the committee.

Senator Daniell requested that the amendment be read by the Clerk.

Senator Bingham requested a division.

Twenty-one senators having voted in the affirmative, and one senator having voted in the negative, the affirmative prevailed and the amendment was adopted, and the bill was ordered to a third reading at 2 o'clock.

Permission for use of the Senate chamber was granted to Senator McMeekin, for the Committee on Ways and Means to hold a public hearing July 20, at 1:00 o'clock.

On motion of Senator Noel the following resolution was adopted:

Resolved, That for the balance of the session, the rules be so far suspended as to dispense with the requirement of two days' notice as prescribed in Senate Rule No. 19. Hereafter one day's notice will be sufficient.

On motion of Senator Spollett the following resolution was adopted:

Resolved, That the rules be so far suspended as to permit all business in order for this afternoon at two o'clock to be made in order at the present time.

Third Readings

The following entitled bills were read a third time and passed:

House Bill No. 435 (in new draft), An act relating to the charter of the city of Portsmouth.

House Bill No. 211, An act making appropriations for the expenses of the State of New Hampshire for the year ending June 30, 1950.

House Bill No. 212, An act making appropriations for the expenses of the State of New Hampshire for the year ending June 30, 1951.

House Bill No. 399, An act relating to minimum wages for certain employees.

Senator Daniell desired to be recorded as opposed to the passage of House Bill No. 211 and House Bill No. 212 as amended by the Senate.

Reconsideration

Senator Noel moved that the Senate reconsider its vote whereby it passed House Bills Nos. 211 and 212.

On a *viva voce* vote the negative prevailed, and the motion was lost.

On motion of Senator Butman the Senate adjourned.

WEDNESDAY, JULY 20, 1949

The Senate met according to adjournment.

House Message

The following message was received from the House of Representatives, by its Clerk:

Mr. President:

The House of Representatives has passed the following entitled bill, in the passage of which it asks the concurrence of the Honorable Senate:

House Bill No. 217, An act providing for a deficiency appropriation for certain departments and institutions for the fiscal year ended June 30, 1948.

The message further stated that the House of Representatives had voted to concur with the Honorable Senate in its adoption of the amendments offered by the Committee on Engrossed Bills to the following entitled bills:

House Bill No. 7, An act relative to white pine blister law.

House Bill No. 425, An act relative to capital reserves for the city of Manchester.

The message further stated that the House of Representatives had voted to concur with the Honorable Senate in its amendment to the following entitled bill:

House Bill No. 413, An act relating to the lobsters and crabs.

The message further stated that the House of Representatives concurred with the Honorable Senate in the passage of the following entitled bill, with amendment, in the passage of which amendment the House of Representatives asked the concurrence of the Honorable Senate:

House Bill No. 308, An act relating to diseases of domestic animals.

Amend section 1 of said bill by striking out the first five lines and inserting in place thereof the following:

1. *Domestic Animals Indemnity.* Amend section 57 of chapter 229 of the Revised Laws as amended by section 1, chapter 137 of the Laws of 1945 by adding at the end thereof the words, provided, however, that payment.

On motion of Senator Spollett the Senate voted to concur in the amendment to the above entitled bill, sent up from the House of Representatives.

The message further stated that the House of Representatives concurred with the Honorable Senate in the passage of the following entitled bill, with amendment, in the passage of which amendment the House of Representatives asked the concurrence of the Honorable Senate:

House Bill No. 175, An act relating to the distribution, sale, or transportation of insecticides, fungicides, rodenticides, and other economic poisons.

Amend said bill by striking out the word "act" where it occurs in paragraph IX of section 1 and section 7 of chapter

227 as inserted by the bill and inserting in place thereof the word, chapter,

Further amend said bill by inserting after the word "defraud" in paragraph II of section 15 of said chapter 227 the word, who,

Further amend said bill by striking out section 5 of said chapter 227 and inserting in place thereof the following:

5. *Fees.* The registrant shall pay an annual fee of ten dollars for each economic poison registered, provided, however, that any registrant may register annually any number of brands upon the payment of an annual fee of one hundred dollars. A sum not to exceed three thousand dollars annually from said fees shall be held in the state treasury in a special fund to be used only for carrying out the provisions hereof. The monies in said special fund shall not lapse but may be used at any time for carrying out the provisions hereof. Any excess above three thousand dollars annually which may be collected from fees under the provision of this section shall be credited to the general funds.

On motion of Senator Otis the Senate voted to concur in the adoption of the amendment to the above entitled bill, sent up from the House of Representatives.

Read and Referred

The following entitled bill, sent up from the House of Representatives, was read a first and second time and referred to the Committee on Finance:

House Bill No. 217, An act providing for a deficiency appropriation for certain departments and institutions for the fiscal year ended June 30, 1948.

Committee Report

Senator Caron, for the Committee on Military and Veterans' Affairs, to whom was referred:

House Bill No. 87, An act relating to the establishment of a civil defense agency.

Having considered the same, reported the same with the following amendment and recommended that the bill as amended ought to pass:

Amend the title of the bill by adding at the end thereof the words, and providing for military defense of interstate bridges, etc., so that said title as amended shall read as follows:

An act relating to the establishment of a civil defense agency and providing for military defense of interstate bridges, etc.

Amend section 3 of the bill by striking out the whole of said section and inserting in place thereof the following:

3. *State Civil Defense Agency.* There is hereby created a "division of civil defense" (hereinafter called the state civil defense agency) and a state director of civil defense (hereinafter called the state director). The governor, with the advice and consent of the council, shall appoint a state director to serve during their pleasure. The said state director shall employ such necessary technical, clerical, stenographic and other personnel, fix their compensation, and may make such necessary expenditures from state or federal funds as are or may be made available to him for purposes of civil defense. The state director and other personnel of the civil defense agency shall be provided with appropriate office space, furniture, equipment, supplies, stationery and printing, and funds for traveling and related expenses, in the same manner as provided for personnel of other state agencies. The state director, subject to the direction of the governor, shall be the executive head of the civil defense agency and shall be responsible to the governor for carrying out the program for civil defense of the state. He shall co-ordinate the activities of all organizations for civil defense within the state, state and local, and shall maintain liason with and cooperate with civil defense agencies and organizations of other states and of the federal government, and shall have such additional authority, duties, and responsibilities authorized by this act as may be prescribed by the governor.

Further amend said bill by inserting after section 17 a new section as follows:

18. *Amendment.* Amend the Revised Laws by inserting after chapter 143 a new chapter as follows:

Chapter 143-A

Military Defense of Interstate Bridges, Etc.

1. *Military Defense of Interstate Bridges.* In order equitably to allocate responsibilities between this and adjoin-

ing states for the security of interstate bridges and other interstate structures and facilities, in time of war or military emergency or when hostile destructive acts on the part of enemy agents have occurred, are anticipated, or are suspected, the governor is hereby authorized to negotiate and to enter into formal agreements with the governors of the Commonwealth of Massachusetts and of the states of Maine and Vermont relative to the protection of such interstate bridges, structures and facilities, provided such other states are authorized to enter into similar defensive agreements. Such agreements shall set forth the specific interstate bridges, structures or facilities for which each state is to provide military protection, if required by war or military emergency, or if requested under such circumstances by the appropriate authorities of the armed forces of the United States. The agreements may authorize the entrance into and the continued presence within this state of the military forces of such other states whenever and to such extent as may be required to carry out the purposes of this act. A copy of each such interstate agreement shall be furnished by the adjutant general to such persons as he may deem necessary.

Further amend said bill by renumbering section 18 to read section 19.

Senator Daniell spoke in favor of the amendment.

The report was accepted, amendment adopted, and the bill as amended was ordered to a third reading this afternoon at two o'clock.

Committee of Conference Report

The Committee of Conference, to whom was referred House Bill No. 525, An act to legalize proceedings of certain towns, school districts and county delegations and authorize other municipal action, having considered the same, recommended:

1. That the Senate recede from its adoption of its amendment to said bill relative to Rollinsford School District, being section 16 of the amended bill.

2. That the House recede from its position of non-concurrence in the adoption of the amendment to said bill as set forth in sections 14, 15, and 17 and concur in the adoption

of said amendments, with the further provision that section 17 be renumbered section 16.

3. That the Senate recede from its position of adopting the amendment as set forth in section 18 of the bill, that the House of Representatives recede from its non-concurrence in the adoption of said amendment and that the Senate and House adopt the following amendment to the bill relative to the City of Dover, renumbered section 17:

17. *City of Dover.* The city of Dover is hereby authorized and empowered to issue its serial bonds or notes for the purpose of construction of new school buildings or for the alterations of present structures, or for the enlargement and improvement of existing school facilities and for the acquisition of school equipment to an amount not exceeding five per cent of the latest assessed valuation of the taxable property of said city. The city of Dover shall not take any action under the authority of this section after December 31, 1951, provided that this limitation shall not affect the validity of any bonds or notes issued under the authority of said section prior to said date. In addition to the authorization for borrowing by said city of Dover provided for in this section, said city shall not incur debt to an amount exceeding three per cent of its last assessed valuation. During the period that this section is in effect all acts relative to borrowing by the city of Dover are hereby suspended, provided that such suspension shall not affect the validity of any bonds or notes issued under the authority of said acts prior to the date of the passage of this act.

4. That the Senate and House adopt the following additional amendments to the bill:

Further amend said bill by adding after section 17 the following new sections:

18. *Milton Highway Reclassification.* The road in the town of Milton known as Pond Road running from Route 16 at the town house to the Maine boundary line being 1.13 miles in length, now being a part of the secondary classification of highways, is hereby changed to class V highway.

19. *Surry School Meeting.* The votes and proceedings at the annual meeting of the Surry school district held on the third day of March, 1949 and the special meeting of said

school district held the twenty-ninth day of June, 1949 are hereby legalized, ratified and confirmed.

Further amend said bill by renumbering section 19 to read section 20.

RAE S. LARABA,
THEODORE THOMPSON,
ISABEL McPHAIL,

Conferees on the Part of the House.

MARYE WALSH CARON,
ARTHUR J. REINHART,

Conferees on the Part of the Senate.

On a *viva voce* vote the report of the Committee of Conference was adopted.

Bills Engrossed

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled bills:

Senate Bill No. 94, An act relating to beano.

Senate Bill No. 110, An act relative to employees of the fish and game department.

Senate Bill No. 138, An act relating to highways.

House Bill No. 360, An act relating to certain tax exemptions of citizens who fought with allies of the United States.

House Bill No. 477, An act to restrict the use of purse seines and beam trawls on the New Hampshire seacoast.

House Bill No. 517, An act relative to the administration of the unemployment compensation law.

ALDEGE A. NOEL,
For the Committee.

Concurrent Resolution

On motion of Senator McMeekin the following concurrent resolution was adopted: Resolution to provide for extension of powers of the legislative committee appointed under concurrent resolution adopted by the House of Representatives January 19, 1949 and by the Senate, January 20, 1949.

Resolved by the Senate, the House of Representatives concurring:

That the special legislative committee appointed under concurrent resolution adopted in January, 1949, to investigate state construction contracts with Standard Construction Company and others, and other related matters, is hereby authorized to continue its investigations until December 31, 1949. Said committee shall report its findings, conclusions and recommendations for remedial legislation or other suitable legislative action to both branches during the present session or during any special session of the legislature prior to said December 31, 1949.

Senator Spollett moved that the rules be so far suspended as to permit all business in order for this afternoon at two o'clock to be made in order at the present time.

(Discussion ensued)

Senators Daniell, Burbank and Bingham spoke briefly in regard to suspension of the rules.

The question being stated, Shall the rules be suspended to permit all business in order for this afternoon to be made in order at the present time?

On a *viva voce* vote the affirmative prevailed, and the rules were suspended.

Third Reading

The following entitled bill was read a third time and passed:

House Bill No. 87, An act relating to the establishment of the civil defense agency, and providing for military defense of interstate bridge, etc.

President Bass declared a recess until 1:30 P. M.

Recess

The Senate re-assembled.

On motion of Senator Butman the Senate adjourned.

THURSDAY, JULY 21, 1949

The Senate met according to adjournment.

House Message

Mr. President:

The following message was received from the House of Representatives, by its Clerk:

The House of Representatives has passed the following entitled bills in the passage of which it asks the concurrence of the Honorable Senate:

House Bill No. 532, An act making appropriations for capital improvements and long term repairs for the state of New Hampshire.

House Bill No. 533, An act relating to the city of Nashua.

The message further stated that the House of Representatives has passed the following joint resolution in the passage of which it asks the concurrence of the Honorable Senate:

House Joint Resolution No. 37, Joint resolution in favor of the estate of Perl. L. Hutchins.

The message further stated that the House of Representatives concurs with the Honorable Senate in the passage of the following joint resolution, with amendments, in the passage of which amendments the House of Representatives asks the concurrence of the Honorable Senate:

Senate Joint Resolution No. 18, Joint resolution to establish an interim commission to study the present motor vehicle financial responsibility law.

Amend the joint resolution by striking out all after the word "pay" in the eighth line, so that the joint resolution as amended shall read as follows:

That the Governor with the advice and consent of the council, is hereby authorized and directed to appoint a commission of five members for the purpose of making a complete study of the State's present motor vehicle financial responsibility law and related laws, the present methods used in effecting automobile liability insurance, and proposed legislation, the commission to report such recommendations as it may deem advisable to the 1951 session of the General Court, said report and recommendations to be filed on or before December

31, 1950. The members of said commission shall serve without pay.

On motion of Senator Pierce the Senate voted to concur in the adoption of the amendments to the above entitled joint resolution sent up from the House of Representatives.

The message further stated that the House of Representatives has voted to concur with the Honorable Senate in its amendments to the following entitled bills:

House Bill No. 399, (in new draft and new title), An act relating to minimum wages for certain employees.

House Bill No. 211, An act making appropriations for the expenses of the State of New Hampshire for the year ending June 30, 1950.

House Bill No. 212, An act making appropriations for the expenses of the state of New Hampshire for the year ending June 30, 1951.

The message further stated that the House of Representatives has voted to concur with the Honorable Senate in its adoption of the amendments offered by the Committee on Engrossed Bills to the following entitled bill:

House Bill No. 79, An act to revise the charter of the city of Keene.

Read and Referred

The following entitled bills and joint resolution were read a first and second time and referred:

To the Committee on Finance:

House Bill No. 532, An act making appropriations for capital improvements and long term repairs for the state of New Hampshire.

To the Committee on Judiciary:

House Bill No. 533, An act relating to the city of Nashua.

On motion of Senator Noel the order whereby the above entitled bill was referred to the Committee on Judiciary was vacated, the rules suspended and the bill was read a third time and passed at the present time.

To the Committee on Finance:

House Joint Resolution No. 37, Joint resolution in favor of the estate of Perl L. Hutchins.

On motion of Senator Ainsworth the order whereby the above entitled joint resolution was referred to the Committee on Finance was vacated, the rules suspended, and the joint resolution was read a third time and passed at the present time.

Committee Reports

Senator Noel, for the Committee on Ways and Means, to whom was referred:

House Bill No. 192, An act authorizing the town of Belmont to issue notes or bonds for water systems.

Having considered the same, reported the same with the following amendment, and recommended that the bill as amended ought to pass.

Amend section 1 of the bill by striking out the words and figures "one hundred one thousand dollars (\$101,000)" and inserting in place thereof the words and figures, fifty thousand dollars (\$50,000); so that said section as amended shall read as follows:

1. *Authority Granted.* The town of Belmont is hereby authorized to issue it serial notes or bonds to an amount not exceeding fifty thousand dollars (\$50,000) for the purpose of renewing the town water system and of making additions and improvements thereto.

The report was accepted, amendment adopted, and the bill as amended was ordered to a third reading this afternoon at two o'clock.

Senator Noel, for the Committee on Ways and Means, to whom was referred :

House Bill No. 219, (in new draft and new title), An act relating to determination of value of annuities of life estates to the inheritance tax law.

Having considered the same, reported the same with the following amendment, and recommended that the bill as amended ought to pass.

Amend section 1 of the bill by striking out the words "life mortality tables" in the seventh line of said section, and substituting therefor the words, Life Tables and Actuarial Tables, based on the latest U. S. Census for which such tables are published: so that said section as amended shall read:

1. *Inheritance Tax.* Amend section 6 of chapter 87 the Revised Laws by striking out the words "actuaries' combined experience" and inserting in place thereof the words, United States life mortality, so that said section as amended shall read as follows: 6. *Life Interest; Remainder.* The value of an annuity or life estate shall be determined by the United States Life Tables and Actuarial Tables, based on the latest U. S. Census for which such tables are published at four per cent compound interest, and the value of any intermediate estate less than a fee shall be so determined whenever possible. The value of a remainder after such estate shall be determined by subtracting the value of the intermediate estate from the total value of the bequest or devise.

The report was accepted, amendment adopted, and the bill as amended was ordered to a third reading this afternoon at two o'clock.

Senator Noel, for the Committee on Ways and Means, to whom was referred:

House Bill No. 530, An act to establish a standard mileage table for the general court.

Having considered the same, reported the same with the following amendment and recommended that the bill as amended ought to pass.

Amend section 1 of the bill by striking out in said section the figures "76" opposite the word "Conway" and inserting in place thereof the figures, 81.

The report was accepted, amendment adopted, and the bill as amended was ordered to a third reading this afternoon at two o'clock.

Senator Bingham, for the Committee on Judiciary, to whom were referred:

House Bill No. 111, An act relative to control of air pollution.

House Bill No. 526, An act relative to the salary of the city of Laconia.

Having considered the same, reported the same without amendment and recommended their passage.

The reports were accepted and the bills were ordered to a third reading this afternoon at two o'clock.

Senator Bingham, for the Committee on Judiciary, to whom was referred:

House Bill No. 255, An act dividing Merrimack County into commissioner districts.

Having considered the same, reported the same without amendment and recommended its passage.

The report was accepted.

Senator Brunel moved that the bill be indefinitely postponed.

Senators Otis and Daniell spoke in opposition to indefinite postponement.

The question being stated, Shall the bill be indefinitely postponed?

On a *viva voce* vote the negative prevailed, the motion was lost, and the above entitled bill was ordered to a third reading this afternoon at two o'clock.

Senator Bingham, for the Committee on Judiciary, to whom was referred:

House Joint Resolution No. 27, Joint resolution directing the state planning and development commission to continue the study of the problems of the smaller communities.

Having considered the same, reported the same with the following resolution:

Resolved, That it is inexpedient to legislate.

The report was accepted and the recommendation of the committee was adopted.

Senator O'Malley, for the Committee on Finance, to whom were referred:

House Bill No. 38, An act relative to the salary of the director of the children's study home.

House Bill No. 487, An act relating to the Northeastern Interstate Forest Fire Compact.

House Bill No. 514, An act relative to indemnity for condemned domestic animals.

House Bill No. 516, An act to supplement the appropriation for the legislative department.

House Joint Resolution No. 11, Joint resolution in favor of Brendan J. Splaine.

House Joint Resolution No. 21, Joint resolution reimbursing certain towns for forest fire expenses.

House Joint Resolution No. 28, Joint resolution relative to funds for development of aeronautical facilities and relative to a certain private claim.

House Joint Resolution No. 35, Joint resolution in favor of the estate of Andrew C. Elliott.

House Joint Resolution No. 36, Joint resolution in favor of the estate of Octave J. Goulet.

Having considered the same, reported the same without amendment and recommended their passage.

The reports were accepted and the bills and joint resolutions were ordered to a third reading this afternoon at two o'clock.

Senator O'Malley, for the Committee on Finance, to whom was referred:

House Bill No. 489, An act providing for an aerial survey of the State of New Hampshire.

Having considered the same, reported the same with the following resolution:

Resolved, That it is inexpedient to legislate.

The report was accepted and the recommendation of the committee was adopted.

Senator O'Malley, for the Joint Committee on Fisheries and Game - Forestry and Recreation, Finance and Ways and Means, to whom was referred:

House Bill No. 499, (in new draft), An act relating to forest conservation and taxation.

Having considered the same, reported the same without amendment and recommended its passage.

The report was accepted.

Senator McMeekin offered the following amendment and moved its adoption:

Amend the bill by striking out all after the enacting clause and substituting in place thereof the following:

Assessment of Growing Wood and Timber. Amend section 3 of chapter 75 of the Revised Laws, as amended by section 3, chapter 144 of the Laws of 1943, by inserting after the word "value" in the ninth line the words, except growing wood and timber which shall be assessed at fifteen per cent of its true value, so that said section as amended shall read as

follows: 3. *Inventory Blanks*. The inventory blanks shall be so arranged and formulated as to require, under oath, from the person or corporation to be taxed, in answer to interrogatories therein stated, a description of all real estate taxable to the person or corporation, and a statement of the gross amount or quantity of each class of personal property for which he or she is taxable, and such other information as will enable the selectmen or assessors to assess all the taxable property of such person or corporation and at its true value, except growing wood and timber which shall be assessed at fifteen per cent of its true value; also a list of the shares in railroad corporations of this state owned by such person or corporation. The blanks shall require the owner's estimate of the value of his stock in trade, but not of his other property. The blank shall also require the owner's estimate of the amount and kind of merchantable standing wood and timber on each parcel of land owned by him, or the amount and kind of merchantable wood and timber owned by him and standing on land of another.

(Discussion ensued)

Senators McMeekin, Daniell and Burbank spoke in favor of the amendment.

Senators Noel, Bingham, Hartnett, and Dole spoke in opposition to the amendment.

The question being stated, Shall the amendment be adopted and on that question Senator Daniell demanded a roll call.

Resolution

On motion of Senator C. Cummings the following resolution was adopted:

Resolved, That henceforth on every roll call, the roll call will commence with the senator who called for the roll call, and will continue with the districts which follow chronologically until District 24 is reached and will then continue with District 1 until the district first called is reached.

The Clerk proceeded to call the roll.

Roll Call

The following named senators voted in the affirmative: Senators Daniell, Burbank, Butman and McMeekin.

The following named senators voted in the negative: Senators Ainsworth, Brunel, Pierce, E. Cummings, Noel, Wiggin, Otis, Bingham, Caron, O'Malley, Lalumiere, Hartnett, Spollett, Reinhart, Hayes, C. Cummings, Nickerson, Dole and Tarlson.

Four Senators having voted in the affirmative, and nineteen senators having voted in the negative, the negative prevailed, and the amendment was not adopted.

The bill was on its second reading and open to further amendment.

Senator Daniell offered the following amendment and moved its adoption:

Amend House Bill No. 499 by striking out all of section 13 and substituting in place thereof, the following:

13. *Funds for, and Use of, Reimbursement Fund.* To meet the expense and obligations herein contained the following new revenue measures are adopted to take effect thirty days after passage of this act. All funds collected shall go into a special fund of the State, subject to withdrawal for the purposes of section 12 and the balance thereof to be used to compensate the towns and cities for loss of funds previously raised through the stock in trade tax which shall become null and void as of January 1, 1950. Reimbursement shall be on the basis of the average assessed valuation of stock in trade in each community for the years (tax) 1945-1949 inclusive.

A. *Betting Commissioners.* All bookmakers, betting commissioners, or other individuals commonly known as "bookies" shall pay an annual license fee of one hundred dollars (\$100.00) and a tax equal to five per cent of their gross income from said business.

B. *License.* No individual shall have a license in more than one town or city.

C. *Records.* Failure to keep records satisfactory to the Tax Commissioners shall be grounds for immediate revocation of said license.

D. *Annual Approval.* No individual shall be licensed except with the annual approval of the Tax Commission and the Selectmen of towns or the governing body of cities concerned. A criminal record involving a felony, or knowingly

consorting or doing business with criminals or persons of poor repute, shall be reasonable grounds for refusing or revoking a license.

E. *Solicitation of Bets.* Only licensed betting commissioners in person may solicit bets and then only within the community in which they are licensed. While soliciting, they shall wear a badge to be furnished them by the Tax Commission, bearing their pictures.

F. *Referendum.* On petition of three per cent of the registered voters of any community, a referendum may be had on the question, "Shall licensed betting be permitted in this town (or city)?" No license shall be granted or solicitation permitted in communities voting NO. Said election shall be subject to all regulations relating to elections and voting.

G. *Return to Towns and Cities.* Five per cent of the net income to the State shall be distributed (on the basis of adjusted Tax Valuation) to communities granting licenses.

H. *Control.* No betting commissioner shall be financed, set up in business, or subject to the control of any other betting commissioner; nor shall any individual, corporation, or other business entity (except banking institutions) finance, set up in business, or otherwise control more than one betting commissioner.

I. *Violations.* Violations of this act shall be subject to a fine of up to \$1,000.00 and/or imprisonment for up to one year. Two convictions of violations under this act shall make an individual ineligible for a license for a period of ten years from the date of said second conviction.

J. *Blacklist.* Paupers or individuals who refuse or are unable to support themselves and families may be placed on a blacklist by the Judge of Probate for the county within which said individual resides, Municipal Court Justice of the community in which he lives, Chief of Police, Selectmen of a town, or the Mayor or overseer of the poor of cities. No bets shall be taken from those whose names are on said list.

K. *Legalized Betting.* Betting already legalized at race tracks under Revised Laws, Chapter 171 shall be exempt from the provisions of this section.

L. *Local Bets.* All bets taken on horse races in New Hampshire at tracks where Pari Mutuel Pools are permitted, shall be made through said pools. The amount of said bets may be deducted from the gross receipts of the betting commissioner receiving the bets.

M. *Bonds.* All betting commissioners shall, before being licensed give a bond to the State, approved by, and in such sum, as the Tax Commission shall require to secure payment of all bets placed with said Betting Commissioner.

(Discussion ensued)

Senator Daniell spoke in favor of the amendment.

Senator Reinhart moved the previous question.

It being, Shall the main question now be put?

On a *viva voce* vote the Chair was in doubt.

Senator Noel requested a 16-second recess.

Senator O'Malley requested a two-minute recess.

Recess

The Senate re-assembled.

Senator Reinhart withdrew his motion for the previous question.

Senator Daniell withdrew his amendment.

Senator Caron moved that the amendment be laid on the table, and referred to any special session which may be called this fall or next year.

On a *viva voce* vote the affirmative prevailed, and the motion was adopted.

The bill was now on its second reading and open to further amendment.

Senator Hartnett requested a recess.

Recess

The Senate re-assembled.

Senator Daniell moved that the bill be indefinitely postponed.

Senators Daniell and McMeekin spoke in favor of indefinite postponement.

Senators Pierce, O'Malley and Noel spoke in opposition of indefinite postponement.

Senator McMeekin demanded a roll call.

The Clerk proceeded to call the roll.

Roll Call

The following named senators voted in the affirmative: Senators McMeekin, Daniell, Burbank and Butman and C. Cummings.

The following named senators voted in the negative: Senators Nickerson, Dole, Tarlson, Ainsworth, Brunell, Pierce, E. Cummings, Hartnett, Spollett, Reinhart and Hayes. O'Malley, Lalumiere, Hartnett, Spollett, Reinhart and Hayes.

Five senators having voted in the affirmative, and eighteen senators having voted in the negative, the motion to indefinitely postpone was lost.

Senator Burbank offered the following amendment and moved its adoption:

Amend the bill by adding a new section, Section 20-A.

Timber owners who cut their trees in the next ten years shall have deducted from their 10 per cent tax an amount equal to the sum they have paid in taxes on such trees during the five years prior to the passage of this bill.

The question being on the adoption of the amendment.

On a *viva voce* vote the no's appeared to have it.

Senator Burbank requested a division.

Recess

Three senators having voted in the affirmative and twenty senators having voted in the negative, the negative prevailed, and the amendment was not adopted.

Senator Hartnett moved that the bill be laid on the table and made a special order of business for Tuesday, July 26, at 11:01 o'clock.

Senators Noel, O'Malley, Bingham, Ainsworth spoke in opposition to the motion.

Senators Daniell, Burbank, Hartnett spoke in favor of the motion.

Senator Otis moved the previous question.

It being, Shall the main question now be put?

On a *viva voce* vote the affirmative prevailed, and the main question was now in order.

It being, Shall the bill be made a special order for Tuesday, July 26, at 11:01 o'clock?

On a *viva voce* vote the negative prevailed, and the motion was lost.

Senator Daniell offered the following amendment, and moved its adoption:

That provisions of this act shall not apply to timber on land from which sportsmen are barred except on order of the Governor.

On a *viva voce* vote, the negative prevailed, and the amendment was not adopted.

The question now being, Shall the bill be read a third time?

On a *viva voce* vote, the affirmative prevailed, and the bill was ordered to a third reading this afternoon at two o'clock.

House Message

The following message was received from the House of Representatives by its Clerk:

Mr. President:

The House of Representatives has passed the following entitled bills, in the passage of which it asks the concurrence of the Honorable Senate:

House Bill No. 102, An act relative to extension of a special appropriation for the fish and game department.

House Bill No. 534, An act to amend the charter of the Rockingham Farmers Mutual Fire Insurance Company.

The message further stated that the House of Representatives concurred with the Honorable Senate in the passage of the following entitled bill with amendments, in the passage of which amendments the House of Representatives asked the concurrence of the Honorable Senate:

Senate Bill No. 78, An act relating to housing authorities.

Amend section 5 as inserted by section 1 of the bill by striking out all after the word "collected" in line 7 so that said section as amended shall read as follows:

5. *Tax Exemption.* No state subsidies shall be made available for any housing project unless and until the municipality in which such housing project is situated shall contract, or have contracted to exempt the housing project from local or municipal taxes to the extent permitted by section twenty-three, part I: provided that such contract shall require a

housing authority to make a payment in lieu of taxes at the end of each fiscal year or not less than ten per cent nor more than twenty per cent of the shelter rent collected.

Amend the bill by striking out section 8 as inserted in section 1 of the bill.

Further amend the bill by striking out section 2 and inserting in place thereof the following new sections:

2. *Modification of Contracts for Financial Assistance.* Any contract for financial assistance entered into prior to the passage of this act between the state and a housing authority for a housing project shall be valid and may be revised, superseded or amended if such action is found by the state housing board to be in the financial interests of the state and is approved by the governor with the advice and consent of the council so that the provisions of part III, chapter 169 as hereinbefore amended will be applicable to that contract for financial assistance and the housing project to which it relates, provided that a contract for financial assistance may not be revised, superseded or amended in a manner which would impair the right of the holders of any outstanding obligations of a housing authority.

3. *Ratification of Co-operation Agreements.* The co-operation agreement between the city of Manchester and the Housing Authority of the City of Manchester dated the 22nd day of March 1948, is hereby validated, ratified, confirmed, approved and declared legal in all respects, and is hereby declared to constitute full compliance with the provisions of this act. The cooperation agreement between the city of Nashua and the Nashua Housing Authority dated as of the 14th day of April 1948, is hereby validated, ratified, confirmed, approved and declared legal in all respects and is hereby declared to constitute full compliance with the provisions of this act.

4. *Takes Effect.* This act shall take effect upon its passage but no new contract or any addition to any present contracts shall be entered into or negotiated with a housing authority for state assistance for a housing project after the passage of this act.

On motion of Senator O'Malley the Senate voted to non-concur in the adoption of the amendments sent up from the

House of Representatives and requested a Committee of Conference.

Pursuant to the above request, the President appointed as members of such committee on the part of the Senate, Senators O'Malley and Daniell.

The message further stated that the House of Representatives has voted to adopt the amendments offered by the Committee on Engrossed Bills, to the following House bills, in the adoption of which amendments the House of Representatives asks the concurrence of the Honorable Senate:

Senate Bill No. 88, An act relating to the covering of wells.

Amend said bill by renumbering the sections of the new subdivision inserted by section 1 to read 33, 34, 35 and 36.

Further amend said bill by striking out the first two lines of section 1 and inserting in place thereof the following:

1. *Abatement of Nuisances.* Amend chapter 165 of the Revised Laws by adding after section 32 as inserted by chapter 133 of the Laws of 1949 and amended by chapter 261 of the Laws of 1949 the following new subdivision:

On motion of Senator Otis the Senate voted to concur in the adoption of the amendments offered by the Committee on Engrossed Bills, sent up from the House of Representatives.

The message further stated that the House of Representatives had adopted the following concurrent resolution in the adoption of which it asked the concurrence of the Honorable Senate:

Resolved, By the House of Representatives, the Senate concurring:

That there shall be a special Legislative Committee to function during the interim period between adjournment and the special session composed of seven members of the House, to be appointed by the Speaker of the House, and three members of the Senate, to be appointed by the President of the Senate, who shall examine the fiscal condition of the State and the sufficiency of the funds appropriated to carry on the essential functions of the state. This committee shall report to the special session of this Legislature such additional tax and other revenue measures and appropriations as may be

needed to carry on the essential functions of the state government, including education. The legislative budget officer is directed to assist this committee in carrying out its duties.

Senators Bingham and Noel spoke in favor of the concurrent resolution.

On a *viva voce* the affirmative prevailed and the concurrent resolution was adopted.

Read and Referred

The following entitled bills, sent up from the House of Representatives, were read a first and second time and referred:

To the Committee on Finance:

House Bill No. 102, An act relative to extension of a special appropriation for the fish and game department.

To the Committee on Banks and Insurance:

House Bill No. 534, An act to amend the charter of the Rockingham Farmers' Mutual Fire Insurance Company.

On motion of Senator Reinhart the order whereby the above entitled bill was referred to the Committee on Banks and Insurance was vacated, and the bill was read a third time and passed at the present time.

Bills Engrossed

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled bills:

Senate Bill No. 140, An act relative to bond issue for the Pittsburg School District.

House Bill No. 7, An act relative to white pine blister law.

House Bill No. 320, An act relating to the extermination of wild boar in the counties of Sullivan and Grafton.

House Bill No. 425, An act relative to capital reserves for the city of Manchester.

ALDEGE A. NOEL,

For the Committee.

On motion of Senator Spollett the following resolution was adopted:

Resolved, That the rules be so far suspended as to permit all business in order for this afternoon at two o'clock to be made in order at the present time.

Third Readings

The following entitled bills and joint resolutions were read a third time and passed :

House Bill No. 38, An act relative to the salary of the director of the children's study home.

House Bill No. 111, An act relative to control of air pollution.

House Bill No. 192, An act authorizing the town of Belmont to issue notes or bonds for water system.

House Bill No. 219 (in new draft and new title), An act relating to determination of value of annuities of life estates to the inheritance tax law.

House Bill No. 255, An act dividing Merrimack County into commissioner districts.

House Bill No. 487, An act relating to the Northeastern Interstate Forest Fire Compact.

The following bill was read a third time :

Question, Shall the bill pass?

House Bill No. 499 (in new draft), An act relating to forest conservation and taxation.

Senator Daniell demanded a roll call.

The following named senators voted in the affirmative: Senators Ainsworth, Brunel, Pierce, E. Cummings, Noel, Otis, Bingham, Caron, O'Malley, Lalumiere, Hartnett, Spollett, Reinhart, Hayes, Nickerson, Dole and Tarlson.

The following named senators voted in the negative: Senators Daniell, Burbank, Butman, McMeekin and C. Cummings.

Eighteen senators having voted in the affirmative and five senators having voted in the negative, the affirmative prevailed, and the bill passed.

House Bill No. 514, An act relative to indemnity for condemned domestic animals.

House Bill No. 516, An act to supplement the appropriation for the Legislative Department.

House Bill No. 526, An act relative to the salary of the city clerk of Laconia.

House Bill No. 530, An act to establish a standard mileage table for the General Court.

House Joint Resolution No. 11, Joint resolution in favor of Brenden J. Splaine.

House Joint Resolution No. 21, Joint resolution reimbursing certain towns for forest fire expense.

House Joint Resolution No. 28, Joint resolution relative to funds for development of aeronautical facilities and relative to a certain private claim.

House Joint Resolution No. 35, Joint resolution in favor of the estate of Andrew C. Elliott.

House Joint Resolution No. 36, Joint resolution in favor of the estate of Octave J. Goulet.

Senator Noel moved that the Senate reconsider its vote whereby it passed House Bill No. 499, An act relating to forest conservation and taxation.

On a *viva voce* vote the negative prevailed, and the motion to reconsider was lost.

On motion of Senator Tarlson the following resolution was adopted:

Resolved, That when the Senate adjourns today it be to meet Tuesday morning at 11:00 o'clock.

On motion of Senator Butman the Senate adjourned.

TUESDAY, JULY 26, 1949

The Senate met according to adjournment.

Leave of Absence

Senator Otis was granted a leave of absence on account of important business.

House Message

The following message was received from the House of Representatives by its Clerk:

Mr. President:

The House of Representatives has passed the following concurrent resolution in the passage of which it asks the concurrence of the Honorable Senate:

Whereas, It appears that all necessary legislative work may be accomplished by Wednesday, July 27, next, therefore be it

Resolved, By the House of Representatives the Senate concurring, That the present session of the legislature be brought to final adjournment on Wednesday, July 27, next, at 5 o'clock in the afternoon.

Be It Further Resolved, That on that date all reports, bills and joint resolutions, with the exception of such as have been referred to the next legislature, be indefinitely postponed.

On motion of Senator Reinhart the concurrent resolution was laid on the table.

Committee Reports

Senator Noel, for the Committee on Engrossed Bills, to whom was referred:

House Bill No. 525, An act to legalize proceedings of certain towns, school districts and county delegations, and to authorize other municipal action.

Having considered the same, reported the same, under Joint Rule No. 6, with the following amendment, and recommended that the bill as amended ought to pass:

Amend the title of said bill by striking out the same and inserting in place thereof the following:

An act to legalize proceedings of certain towns, school districts and county delegations, to authorize other municipal action, and relative to trustees of Brackett Academy, the charter of the Manchester Savings Bank and the reclassification of a road in Milton.

Amend section 10 of said bill by striking out the same and inserting in place thereof the following:

10. *Bonds Authorized.* In accordance with section 9 hereof, the commissioners of the village fire precinct of the town of Wolfeboro are hereby empowered and authorized to issue for and in behalf of said district serial notes or bonds to an amount not exceeding one hundred thousand dollars for the purposes specified in said section 9. Said notes or bonds shall be issued in conformity with the provisions of chapter 72 of the Revised Laws excepting as may be otherwise provided in sections 9, 10 and 11 hereof.

On motion of Senator Noel the report was accepted, amendment adopted, and the bill as amended was sent to the

House of Representatives for concurrence in Senate amendment.

Senator Noel, for the Committee on Engrossed Bills, to whom was referred:

House Bill No. 491, An act establishing an official gauge for measuring the water levels of Lake Winnepesaukee.

Having considered the same, reported the same, under Joint Rule No. 6, with the following amendment, and recommended that the bill as amended ought to pass:

Amend said bill by inserting after the word "second" in the ninth line the word, of,

Further amend said bill by striking out section 2 and inserting in place thereof the following:

2. *Enforcement and Repeal.* Upon complaint of not less than ten owners of property on Lake Winnepesaukee a hearing may be held before the water control commission and proceedings instituted as provided in section 48 of chapter 267 of the Revised Laws. Such parts of chapter 118 of the Laws of 1911 as may be inconsistent with the provisions of this act are hereby repealed.

On motion of Senator Tarlson the report was accepted, amendment adopted, and the bill as amended was sent to the House of Representatives for concurrence in Senate amendment.

Senator Noel, for the Committee on Engrossed Bills, to whom was referred:

House Bill No. 146, An act prohibiting the teaching of doctrines of communism or overthrow of government by force in public or private schools in the state.

Having considered the same, reported the same under Joint Rule No. 6, with the following amendment, and recommended that the bill as amended ought to pass.

Amend the title of said bill by striking out the same and inserting in place thereof the following:

An act prohibiting the advocating of doctrines of communism or overthrow of government by force in public or state schools or state institutions, in the state.

Amend section 1 of said bill by striking out the word

“person” in the first line and inserting in place thereof the word, teacher.

On motion of Senator Caron the report was accepted, amendment adopted, and the bill as amended was sent to the House of Representatives for concurrence in Senate amendment.

Senator Noel, for the Committee on Engrossed Bills, to whom was referred:

House Bill No. 514, An act relative to indemnity for condemned domestic animals.

Having considered the same, reported the same under Joint Rule No. 6, with the following amendment, and recommended that the bill as amended ought to pass:

Amend section 1 of said bill by inserting after the figure “1945” in the fifth line the words, and as amended by an act passed at the present session of the general court.

On motion of Senator Spollett the report was accepted, amendment adopted, and the bill as amended was sent to the House of Representatives for concurrence in Senate amendment.

Senator Noel, for the Committee on Engrossed Bills, to whom was referred:

House Bill No. 516, An act to supplement the appropriation for the legislative department.

Having considered the same, reported the same under Joint Rule No. 6, with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 of said bill by adding at the end thereof the following: The governor is hereby authorized to draw his warrant for the sums hereby appropriated out of any money in the treasury not otherwise appropriated.

On motion of Senator Noel the report was accepted, amendment adopted, and the bill as amended was sent to the House of Representatives for concurrence in Senate amendment.

Senator Noel, for the Committee on Engrossed Bills, to whom was referred:

House Bill No. 499, An act relating to forest conservation and taxation.

Having considered the same, reported the same under Joint Rule No. 6 with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 5 of said bill by striking out the same and inserting in place thereof the following:

5. *Repeal.* Sections 31 to 47 inclusive of chapter 73 of the Revised Laws and section 2 of chapter 144 of the Laws of 1943 are hereby repealed. Such parts of section 4 of chapter 76 of the Revised Laws as amended by section 1, chapter 144, Laws of 1943, as require the selectmen's invoice to show valuation of growing wood and timber separately from the land, and such parts of section 3, chapter 75 of the Revised Laws as amended by section 3, chapter 144, Laws of 1943, and chapter 86 of the Laws of 1947 as require the owner in returning his inventory of property to list an estimate of the amount and kind of wood and timber owned by him, are hereby suspended during the time this act is in effect.

On motion of Senator Reinhart the report was accepted, amendment adopted, and the bill as amended was sent to the House of Representatives for concurrence in Senate amendment.

Senator Noel, for the Committee on Engrossed Bills, to whom was referred:

House Bill No. 435, An act relating to the charter of the city of Portsmouth.

Having considered the same, reported the same under Joint Rule No. 6 with the following amendment, and recommended that the bill as amended ought to pass.

Amend said bill by striking out the word "Chapter" where it appears at the head of each subdivision and inserting in place thereof the word, Part,

Amend said bill by striking out the words "*viva voce* vote on roll call" where they occur in reference to said elections and inserting in place thereof the words, roll call vote,

Amend section 30 of the new charter as inserted by section 1 of the bill by striking out the first three lines and inserting in place thereof the following:

30. *Jurisdiction.* The board of health created by section 29 shall have jurisdiction over all the harbor of Piscataque.

Amend section 32 of said new charter by striking out the same and inserting in place thereof the following:

32. *Composition.* A majority of said board may act in any case.

Amend section 37 of said new charter by striking out the word "forfeit" and inserting in place thereof, the words, be fined.

Amend section 38 of said new charter by striking out the same and inserting in place thereof the following:

38. *Board of Street Commissioners.* There shall be in said city a board of street commissioners consisting of three members who shall be elected at the municipal election and who shall hold office for two municipal years next following their election and until their successors are elected and qualified.

Amend section 48 of said new charter by striking out the last two lines and inserting in place thereof the following: to expend any money in excess of funds available therefor. Any member of said board who shall violate any of the provisions of this section shall be removed from office by the city council after due hearing.

Amend section 57 of said new charter by striking out the word "act" and inserting in place thereof the word, subdivision.

Amend section 60 of said new charter by striking out the same and inserting in place thereof the following:

60. *Police Department.* The provisions of chapter 148 of the Laws of 1913 relative to the appointment, powers and duties of the police commission for the city of Portsmouth shall continue in full force and effect.

Amend said new charter by striking out sections 61, 62, 63, 64, 65 and 66.

Amend section 73 of said new charter by striking out the words "wilful and corrupt" in the third line and by inserting after the word "conduct" in the fourteenth line the word, himself.

Amend section 81 of said new charter by striking out the words "December biennially" and inserting in place thereof the words and figures, December 1949 and in November biennially thereafter.

Amend sections 86, 87, 88 and 90 of said new charter by striking out the words "school committee" and inserting in place thereof the words, board of education.

Amend section 89 of said new charter by striking out the word "committee" and inserting in place thereof the word, board.

Amend sections 91 and 92 of said new charter by striking out the words "of instruction" after the word "board."

Amend section 85 of said new charter by striking out the words "an English grammar" and inserting in place thereof the word, such.

Amend section 91 of said new charter by striking out the word "elected" in the third line and inserting in place thereof the word, nominated.

Amend section 95 of said new charter by striking out the same and inserting in place thereof the following:

95. *Statement to Mayor and Council.* Annually in the month of January the board of education of said city of Portsmouth shall submit to the mayor and council a statement of the sum of money needed to carry out the provisions of this subdivision.

Amend section 96 of said new charter by striking out the words "school board of the city of Portsmouth" and inserting in place thereof the words, board of education.

Further amend said bill by renumbering sections 67 to 103 to read 61 to 97.

Further amend said bill by striking out the figure "100" in the second line of section 1 and inserting in place thereof the figure, 94.

On motion of Senator Reinhart reading of the amendment was dispensed with.

On motion of Senator Reinhart the report was accepted, amendment adopted, and the bill as amended was sent to the House of Representatives for concurrence in Senate amendment.

Senator Noel, for the Committee on Engrossed Bills, to whom was referred:

House Joint Resolution No. 11, Joint resolution in favor of Brendan J. Splaine.

Having considered the same, reported the same, under Joint Rule No. 6, with the following amendment and recommended that the bill as amended ought to pass.

Amend the caption of said resolution by adding at the end thereof: and David A. Proctor.

On motion of Senator Noel the report was accepted, amendment adopted, and the joint resolution as amended was sent to the House of Representatives for concurrence in Senate amendment.

Senator O'Malley, for the Committee on Finance, to whom was referred:

House Bill No. 531, An act relative to the Portsmouth-Seabrook Toll Road.

Having considered the same, reported the same with the following amendment and recommended that the bill as amended ought to pass.

Amend section 3 of the bill by striking out the whole of said section and inserting in place thereof the following:

3. *Limited Access Exemption.* Amend section 10 of chapter 295 of the Laws of 1947 by striking out said section and inserting in place thereof the following: 10. *Definition.* Said highway shall be a limited access highway as defined in part 7, chapter 90 of the Revised Laws as amended by chapter 188, Laws of 1945, between the Massachusetts state line and the northeasterly side line of Woodbury Avenue in the city of Portsmouth, and all the provisions thereof shall apply thereto except the transfer of the entrance of an existing facility adjacent to Woodbury Avenue from the northwesterly side of the toll road to the southeasterly side of the same.

The report was accepted, amendment adopted.

Senator Bingham offered the following amendment and moved its adoption:

Amend the bill by striking out the whole of sections 1 and 2.

(Discussion ensued)

Senators Bingham and Daniell spoke in favor of the adoption of the amendment.

Senators C. Cummings and Noel spoke in opposition to the amendment.

The question being stated, Shall the amendment be adopted?

On a *viva voce* vote the negative prevailed, and the amendment was not adopted.

Senator Bingham demanded a roll call.

Roll Call

The following named senators voted in the affirmative: Senators Bingham, Caron and Daniell.

The following named senators voted in the negative: Senators O'Malley, Lalumiere, Burbank, Hartnett, Butman, Spollett, Reinhart, Hayes, C. Cummings, McMeekin, Nickerson, Dole, Tarlson, Ainsworth, Brunel, Pierce, E. Cummings, Noel and Wiggin.

Three senators having voted in the affirmative and eighteen having voted in the negative, the negative prevailed.

The above entitled bill was ordered to a third reading this afternoon at two o'clock.

Senator O'Malley, for the Committee on Finance, to whom was referred:

House Bill No. 217, An act providing for a deficiency appropriation for certain departments and institutions for the fiscal year ended June 30, 1948.

Having considered the same, reported the same with the following amendment and recommended that the bill as amended ought to pass.

Amend the title of said bill by striking out the same and inserting in place thereof the following:

An act providing for a deficiency appropriation for certain state departments and institutions.

Amend section 1 of said bill by striking out the same and inserting in place thereof the following:

1. *Deficiency Appropriation.* The sum of two hundred seventy-three thousand two hundred twenty-three dollars and ten cents (\$273,223.10) is hereby appropriated to meet deficits in the appropriations for the fiscal year ending June 30, 1948 as follows: For Glencliff Sanatorium, four thousand four hundred thirteen dollars and fifty-seven cents, (\$4,413.57); for Laconia State School, four thousand one hundred fifty-six dollars and fifteen cents, (\$4,156.15); for State Prison, five

thousand eighty-seven dollars and sixty-five cents, (\$5,087.65) ; for State Hospital, forty-five thousand nine hundred ninety-five dollars and two cents, (\$45,995.02) ; for Constitutional Convention, nineteen thousand nine hundred eight dollars and ninety-six cents, (\$19,908.96) ; for State Treasury, two hundred eighty-three dollars and forty cents, (\$283.40) ; for State Treasury (bounties), six thousand ninety dollars and fifty cents, (\$6,090.50) ; for Employees' Retirement System, normal contribution, ten thousand seven hundred four dollars and twenty-eight cents, (\$10,704.28) ; for Forestry and Recreation forest fire bills to towns, one hundred seventy-six thousand five hundred eighty-three dollars and fifty-seven cents, (\$176,583.57). The sum of one hundred sixty-six thousand two hundred dollars, (\$166,200) is hereby appropriated to meet deficits for the State Hospital for the fiscal year ending June 30, 1949. The governor is authorized to draw his warrant for the sums hereinbefore appropriated out of any money in the treasury not otherwise appropriated.

The report was accepted.

Senator Bingham spoke in opposition to the adoption of the amendment.

On a *viva voce* vote the affirmative prevailed, and the amendment was adopted, and the bill as amended was ordered to a third reading this afternoon at two o'clock.

Senator O'Malley, for the Committee on Finance, to whom was referred:

Senate Joint Resolution No. 16, Joint resolution making appropriation for expenses in connection with forest fires.

Having considered the same, reported the same with the recommendation that the joint resolution be referred to the next session of the Legislature.

The report was accepted and the recommendation of the committee was adopted.

Senator Brunel, for the Committee on Public Welfare and State Institutions, to whom was referred:

House Bill No. 307, An act relating to the salary of the superintendent of the state hospital.

Having considered the same, reported the same without amendment and recommended its passage.

The report was accepted and the bill was ordered to a third reading this afternoon at two o'clock.

House Message

The following message was received from the House of Representatives, by its Clerk:

Mr. President:

The House of Representatives has passed the following entitled bills, in the passage of which it asks the concurrence of the Honorable Senate:

House Bill No. 408, An act relative to making appropriations for and on behalf of the New Hampshire Wing, civil air patrol.

House Bill No. 451, An act relative to airways toll and the aeronautical fund.

House Bill No. 480, An act providing for the study, treatment and care of inebriates.

Read and Referred

The following entitled bills, sent up from the House of Representatives, were read a first and second time and referred to the Committee on Finance:

House Bill No. 408, An act relative to making appropriations for and on behalf of the New Hampshire Wing, civil air patrol.

House Bill No. 451, An act relative to airways toll and the aeronautical fund.

House Bill No. 480, An act providing for the study, treatment and care of inebriates.

On motion of Senator C. Cummings the rules were suspended to allow a public hearing on the above entitled bills this afternoon at two o'clock.

Bills Engrossed

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled bills:

- Senate Joint Resolution No. 18, Joint resolution to establish an interim commission to study the present motor vehicle financial responsibility law.

House Joint Resolution No. 21, Joint resolution reimbursing towns for forest fire expenses.

House Joint Resolution No. 28, Joint resolution relative to funds for development of aeronautical facilities and relative to certain private claims.

House Joint Resolution No. 35, Joint resolution in favor of the estate of Andrew C. Elliott.

House Joint Resolution No. 36, Joint resolution in favor of the estate of Octave J. Goulet.

House Joint Resolution No. 37, Joint resolution in favor of the estate of Perl L. Hutchins.

Senate Bill No. 88, An act relating to the covering of wells.

Senate Bill No. 127, An act relative to the powers of the director of fish and game.

House Bill No. 38, An act relative to the salary of the director of the children's study home.

House Bill No. 87, An act relating to the establishment of a civil defense agency and providing for military defense of interstate bridges, etc.

House Bill No. 79, An act to provide for mayor-councilmen form of charter for the city of Keene.

House Bill No. 111, An act relative to control of air pollution.

House Bill No. 175, An act relating to the distribution, sale, or transportation of insecticides, fungicides, rodenticides, and other economic poisons.

House Bill No. 211, An act making appropriations for the expenses of the State of New Hampshire for the year ending June 30, 1950.

House Bill No. 212, An act making appropriations for the expenses of the State of New Hampshire for the year ending June 30, 1951.

House Bill No. 255, An act dividing Merrimack county into commissioner districts.

House Bill No. 308, An act relating to diseases of domestic animals.

House Bill No. 487, An act relating to the Northeastern Interstate Forest Fire Compact.

House Bill No. 526, An act relative to the salary of the city clerk of Laconia.

House Bill No. 533, An act relating to the city of Nashua.

House Bill No. 534, An act to amend the charter of the Rockingham Farmers Mutual Fire Insurance Company.

ALDEGE A. NOEL,
For the Committee.

President Bass declared a recess until 1:30 P. M.

Recess

The Senate re-assembled.

Committee of Conference Report

The Committee of Conference, to whom was referred:

Senate Joint Resolution No. 2, Joint resolution to establish an interim commission to study the laws of the state pertaining to public utilities.

Having considered the same, reported the same with the following recommendation:

That the Senate recede from its position of non-concurrence, and the House recede from its position of adopting its amendment, and adopt the following amendment:

Amend the joint resolution by striking out all after the resolving clause and inserting in place thereof the following:

That a commission of five members be appointed, as hereinafter provided, to study the laws of the state regulating or pertaining to public utilities. Said commission shall be appointed by the governor with the advice and consent of the council prior to August 1, 1949. Vacancies occurring shall be filled in the same manner. Said commission shall make a careful study of present laws regulating or pertaining to railroads and public utilities and of the need or advisability of further legislation relating thereto for the purpose of protecting the interests of all interested parties. Said committee shall have full power and authority to require from the several departments, agencies and officials of the state, cities and towns, and from individuals, partnerships and corporations, such information and assistance as it may deem necessary for the purposes of the commission. The members of said commission shall serve without compensation. Said commission shall report its findings and recommendations, together with any proposed legislation necessary to carry out its recommendations,

to the next regular session of the legislature, during the first week of said session. The reasonable expenses of said commission shall be a charge upon the appropriation of the Public Service Commission and the governor is hereby authorized to draw his warrant for said sum.

ARTHUR J. REINHART,
CURTIS C. CUMMINGS,
Conferees on the Part of the Senate.

GEO. ZOPF,
ROBERT A. JOHNSON,
C. MURRAY SAWYER,
Conferees on the Part of the House.

On a *viva voce* vote the report of the Committee of Conference was adopted.

On motion of Senator Pierce the rules were suspended, the third reading and final passage of the following entitled bills at the present time:

House Bill No. 217, An act providing for a deficiency appropriation for certain departments and institutions for the fiscal year ended June 30, 1948.

House Bill No. 307, An act relating to the salary of the superintendent of the state hospital.

House Bill No. 531, An act relative to the Portsmouth-Seabrook Toll Road.

President Bass declared a recess until 3:00 P. M.

Recess

The Senate re-assembled.

House Message

The following message was received from the House of Representatives, by its Clerk:

Mr. President:

The House of Representatives has passed the following entitled bill in the passage of which it asks the concurrence of the Honorable Senate:

House Bill No. 441, An act relating to care, treatment and rehabilitation of sexual psychopaths.

The message further stated that the House of Representatives has voted to adopt the amendments offered by the Committee on Engrossed Bills, to the following House bill, in the adoption of which amendments the House of Representatives asks the concurrence of the Honorable Senate:

House Bill No. 413, An act relating to lobsters and crabs.

Amend section 5 of said bill by inserting before the word "not" in the sixth line the word, notch.

Amend section 6 of said bill by striking out the words "the preceding" and by inserting after the word "section" the figure, 45.

Amend section 7 of said bill by striking out the words "of an inch" in the sixth line and inserting in place thereof the word, inches.

Amend section 8 of said bill by striking out the first three lines and inserting in place thereof the following:

8. *Cooked Lobster.* Amend chapter 245 of the Revised Laws by inserting after section 47 the following new section: 47-a. *Exceptions.* Nothing in the

Further amend said section 8 by striking out the last line and inserting in place thereof the following: meat for immediate consumption for himself, his family and guests.

Amend section 12 of said bill by striking out said section and inserting in place thereof the following:

12. *Forfeiture of Licenses.* Amend chapter 245 of the Revised Laws by inserting after section 53-a the following new section: 53-b. *Revocation.* Any person holding a license under sections 53 or 53-a who is convicted of a violation of the laws relating to lobsters and crabs shall forfeit such license for not more than one year from the date of conviction in the discretion of the director.

Amend section 13 of said bill by inserting after the figure "50" the figure, 53.

Amend section 14 of said bill by striking out the same and inserting in place thereof the following:

14. *Saving Clause.* Nothing herein contained shall be any manner affect the prosecution of any offense, relative to lobsters and crabs, committed prior to the passage of this act which said offense may be prosecuted or prosecution therefor

continued under the provisions of sections 42 to 56 of chapter 245 of the Revised Laws as they existed prior to the passage of this act.

On motion of Senator Reinhart the Senate voted to concur in the adoption of the amendments offered by the Committee on Engrossed Bills, sent up from the House of Representatives.

Read and Referred

The following entitled bill sent up from the House of Representatives was read a first and second time and referred to the Committee on Finance:

House Bill No. 441, An act relating to care, treatment and rehabilitation of sexual psychopaths.

Resolution

On motion of Senator Hartnett the following resolution was adopted:

Resolved, That the proceedings of this body including recesses and all other activities shall be scheduled according to Eastern Daylight saving time and not by artificial or other manipulation of the clock, and that all rules inconsistent herewith be suspended for the balance of this session.

President Bass declared a recess until 4:00 P. M.

Recess

The Senate re-assembled.

House Message

The following message was received from the House of Representatives, by its Clerk:

Mr. President:

The House of Representatives has passed the following entitled bill and joint resolution, in the passage of which it asks the concurrence of the Honorable Senate:

House Bill No. 535, An act relating to a transfer of funds to the general funds of the state.

House Joint Resolution No. 38, Joint resolution in favor of Clarence A. Dubois and others.

The message further stated that the House of Representatives had voted to concur with the Honorable Senate in its amendments to the following entitled bills:

House Bill No. 192, An act authorizing the town of Belmont to issue notes or bonds for water system.

House Bill No. 219, An act relative to determination of value of annuities on life estates to the inheritance tax law.

House Bill No. 217, An act providing for a deficiency appropriation for certain state departments and institutions.

House Bill No. 530, An act to establish a standard mileage table for the general court.

House Bill No. 531, An act relating to the Portsmouth-Seabrook Toll Road.

The message further stated that the House of Representatives had voted to concur with the Honorable Senate in the passage of the following entitled bills, sent down from the Honorable Senate:

Senate Bill No. 84, An act extending an appropriation for the Mt. Sunapee recreational project.

Senate Bill No. 108, An act relative to the operation of Bear Brook state park.

The message further stated that the House of Representatives had voted to concur with the Honorable Senate in the adoption of the concurrent resolution relating to the Standard Construction Company and others.

The message further stated that the House of Representatives had voted to non-concur with the Honorable Senate in the passage of the following entitled bill:

Senate Bill No. 136, An act relating to tolls by municipal utilities.

The message further stated that the House of Representatives had adopted the following concurrent resolution, in the adoption of which it asked the concurrence of the Honorable Senate:

Resolved by the House of Representatives, the Senate concurring, That during the ensuing biennium the legislative budget assistant, in collaboration with the comptroller, is directed to develop a new form of budget book and budget bill which will be more readily understandable by legislators and

the general public. The Chairman of the House Committee on Appropriations and two other members of said committee to be appointed by him and the Chairman of the Senate Finance Committee and one other member of said committee to be appointed by him shall serve as an advisory commission to the legislative budget assistant and comptroller in this project. Consideration shall be given to forms of budgets in use in other states and advice sought from the Council of State Governments. The budget assistant and advisory commission shall report their findings to the Governor not later than October 1, 1950, so that the same may be utilized in the preparation of the budget book and budget bills for the legislative session of 1951.

On a *viva voce* vote the Senate voted to concur in the adoption of the concurrent resolution.

Read and Referred

The following bill and joint resolution, sent up from the House of Representatives, were read a first and second time and referred to the Committee on Finance:

House Bill No. 535, An act relating to a transfer of funds to the general funds of the state.

House Joint Resolution No. 38, Joint resolution in favor of Clarence A. Dubois and others.

On motion of Senator C. Cummings the following resolution was adopted:

Resolved, That the rules be so far suspended as to dispense henceforth with the requirement of holding public hearings on all bills and resolutions and advertising the same in the Journal.

On motion of Senator McMeekin the rules were suspended to permit the introduction of a committee report not previously advertised in the Journal.

Senator McMeekin, for the Committee on Ways and Means, to whom was referred:

House Bill No. 511, An act relative to itinerant retailers of tobacco products.

Having considered the same, recommended that the bill be referred to the next special session of the Legislature.

The report was accepted and the recommendation of the committee was adopted.

Senator Ainsworth, as a member of the Committee of Conference on Senate Bill No. 114, An act relative to fishing and hunting licenses, stated that the committee, being unable to agree, requested that they be discharged and a new committee be appointed in their place.

Pursuant to the above request, the President appointed as members of such committee, on the part of the Senate, Senators C. Cummings and Nickerson.

On motion of Senator Hartnett the Senate voted to reconsider its vote on the resolution relating to the Legislative clock.

On motion of Senator Hartnett the resolution was laid on the table.

On motion of Senator Reinhart the concurrent resolution relative to adjournment was taken from the table.

On motion of the same senator the Senate voted to concur in the adoption of the concurrent resolution.

Introduction of Guest

President Bass introduced to the Senate, former Senator John J. O'Reilly of Manchester.

Bill Engrossed

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled bill:

House Bill No. 499, An act relative to forest conservation and taxation.

ALDEGE A. NOEL,
For the Committee.

On motion of Senator Spollett the rules were so far suspended as to permit all business in order for this afternoon at two o'clock to be made in order at the present time.

On motion of Senator Butman the Senate adjourned.

WEDNESDAY, JULY 27, 1949

The Senate met according to adjournment.

Personal Privilege

Senator Otis rose to a point of personal privilege and requested that the Senators be permitted to smoke during the balance of the session.

Committee Reports

Senator O'Malley, for the Committee on Finance, to whom were referred:

House Bill No. 102, An act relative to an extension of a special appropriation for the Fish and Game Department.

House Bill No. 408, An act relative to making appropriations for and on behalf of the New Hampshire Wing, civil air patrol.

House Bill No. 441, An act relating to the care, treatment and rehabilitation of sexual psychopaths.

House Bill No. 451, An act relative to commercial landing areas and fees for engineering and other services by the aeronautics commission.

House Bill No. 532, An act making appropriations for capital improvements and long term repairs for the State of New Hampshire.

House Bill No. 480, An act providing for the study, treatment and care of inebriates.

Having considered the same, reported the same without amendment, and recommended their passage.

The reports were accepted, and the bills were ordered to a third reading this afternoon at two o'clock.

Committee of Conference Report

The Committee of Conference, to whom was referred House Bill No. 72, An act relating to a state bird, having considered the same hereby recommend that the Senate recede from the adoption of its amendment and that the House recede from its position of non-concurrence in the adoption of said Senate amendment and further recommend that the Senate and House adopt the following amendment.

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1. *State Emblems.* Amend chapter 13 of the Revised Laws by adding after section 6 as inserted by chapter 38 of the Laws of 1949, which said section is hereby renumbered to read section 6-a, the following new section: 7. *State Bird.* The chicken is the domestic bird of New Hampshire.

2. *Takes Effect.* This act shall take effect upon its passage.

DORIS M. SPOLLETT,
NORMAN A. McMEEKIN,
Conferees on the Part of the Senate.

C. MURRAY SAWYER,
MABEL THOMPSON COOPER,
ANSEL N. SANBORN,
Conferees on the Part of the House.

On a *viva voce* vote the report of the Committee of Conference was adopted.

Bills Engrossed

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled resolutions and bills:

Senate Joint Resolution No. 2, Joint resolution to establish an interim commission to study the laws of the state pertaining to public utilities.

House Joint Resolution No. 11, Joint resolution in favor of Brendan J. Splaine and David A. Proctor.

Senate Bill No. 108, An act relative to the operation of Bear Brook State Park.

House Bill No. 146, An act prohibiting the advocating of doctrines of communism or overthrow of government by force in public or state approved schools or state institutions in the state.

House Bill No. 192, An act authorizing the Town of Belmont to issue notes or bonds for water system.

House Bill No. 217, An act providing for a deficiency appropriation for certain state departments and institutions.

House Bill No. 307, An act relating to the salary of the Superintendent of the state hospital.

House Bill 413, An act relating to lobsters and crabs.

House Bill No. 435, An act relating to the charter of the City of Portsmouth.

House Bill No. 491, An act establishing an official gauge for measuring the water levels of Lake Winnepesaukee.

House Bill No. 514, An act relative to indemnity for condemned domestic animals.

House Bill No. 516, An act to supplement the appropriation for the legislative department.

House Bill No. 530, An act to establish a standard mileage table for the general court.

House Bill No. 525, An act to legalize proceedings of certain towns, school districts and county delegations, to authorize other municipal action, and relative to Trustees of Brackett Academy, the charter of the Manchester Savings Bank and the reclassification of a road in Milton.

House Bill No. 531, An act relating to the Portsmouth-Seabrook toll road.

On motion of Senator C. Cummings the rules were suspended to permit the introduction of two committee reports not previously advertised in the Journal.

Senator O'Malley, for the Committee on Finance, to whom was referred:

House Bill No. 535, An act relating to a transfer of funds to the general funds of the state.

Having considered the same, reported the same with the following amendment, and recommended that the bill as amended ought to pass.

Amend section 2 of the bill by striking out the whole of said section and inserting in place thereof the following new section:

2. *Clarification.* Amend section 44 of chapter 27 of the Revised Laws by striking out said section and inserting in place thereof the following: 44. *Emergency Fund.* There shall be an emergency fund consisting of such sums as may be appropriated for that purpose by the General Court, which may be expended by the Governor, with the consent of the Council, to aid any state department in any emergency which may arise,

to supplement any appropriation made by the General Court which shall prove inadequate to carry on essential functions of government and to protect the interests of the State.

3. *Takes Effect.* This act shall take effect upon its passage.

Amend the title of the bill by adding at the end thereof the words, and clarifying the law relating to the Emergency Fund, so that said title as amended shall read: An Act relating to a transfer of Funds to the General Funds of the State, and clarifying the law relating to the emergency fund.

The report was accepted, amendment adopted, and the bill as amended was ordered to a third reading this afternoon at two o'clock.

Senator O'Malley, for the Committee on Finance, to whom was referred:

House Joint Resolution No. 38, Joint resolution in favor of Clarence A. DuBois and others.

Having considered the same, reported the same with the following amendment and recommended its passage.

Amend the joint resolution by inserting after the appropriation for Esther T. Hurd the following: that Mary B. Parsons, legislative stenographer, be allowed the sum of \$500.00.

The report was accepted, amendment adopted, and the joint resolution as amended was ordered to a third reading this afternoon at two o'clock.

On motion of Senator C. Cummings the rules were suspended to permit the third reading and final passage of the following entitled bills and joint resolution at the present time.

House Bill No. 102, An act relative to an extension of a special appropriation for the fish and game department.

House Bill No. 408, An act relative to making appropriations for and on behalf of the New Hampshire Wing, civil air patrol.

House Bill No. 441, An act relating to the care, treatment and rehabilitation of sexual psychopaths.

House Bill No. 451, An act relative to commercial landing areas and fees for engineering and other services by the aeronautics commission.

House Bill No. 532, An act making appropriations for capital improvements and long term repairs for the State of New Hampshire.

House Bill No. 480, An act providing for the study, treatment and care of inebriates.

House Bill No. 535, An act relating to a transfer of funds to the general funds of the state and clarifying the law relating to the emergency fund.

House Joint Resolution No. 38, Joint resolution in favor of Clarence A. DuBois and others.

Announcement

President Bass announced the appointment of the following members of the Senate to serve on the joint committee to review the adequacy of appropriations and revenue in accordance with the concurrent resolution passed by the General Court, Senators C. Cummings, Dole and O'Malley.

Personal Privilege

Senator Noel rose to a point of personal privilege and explained the financial set-up and amounts paid for the various rights of way on the new toll road.

President Bass declared a recess until 1:30.

Recess

The Senate re-assembled.

House Message

The following message was received from the House of Representatives, by its Clerk:

Mr. President:

The House of Representatives has voted to concur with the Honorable Senate in its amendments to the following entitled bill and joint resolution:

House Bill No. 535, An act relating to a transfer of funds to the general funds of the state.

House Joint Resolution No. 38, Joint resolution in favor of Clarence A. DuBois and others.

The message further stated that the House of Representatives had voted to adopt the Committee of Conference report on the following entitled joint resolution:

Senate Joint Resolution No. 2, Joint resolution to establish an interim commission to study the laws of the state pertaining to public utilities.

The message further stated that the Committee of Conference on Senate Bill No. 114, An act relative to fishing and hunting licenses, being unable to agree, the Speaker had appointed as the new members of such committee, on the part of the House, Messrs. Fernald of Rochester, Tolman of Nelson and Hobbs of Portsmouth.

The message further stated that the House of Representatives had refused to adopt the Committee of Conference report on the following entitled bill:

House Bill No. 72, An act relating to a state bird.

The message further stated that the House of Representatives had voted to adopt the amendments offered by the Committee on Engrossed Bills, to the following House bills, in the adoption of which amendments the House of Representatives asked the concurrence of the Honorable Senate.

House Bill No. 219, An act relative to determination of value of annuities on life estates to the inheritance tax law.

Amend section 1 of said bill by striking out the first three lines and inserting in place thereof the following:

1. *Inheritance Tax.* Amend section 6 of chapter 76 of the Revised Laws by striking out the words "actuaries' combined experience tables" and inserting in place thereof the words, United States life tables and actuarial tables, based on the latest United States census for which such tables are published.

On motion of Senator Otis, the Senate voted to concur in the adoption of the amendment offered by the Committee on Engrossed Bills, sent up from the House of Representatives.

House Bill No. 399, An act relating to minimum wages for certain employees.

Amend section 1 of said bill by striking out the second line and inserting in place thereof the following: after section 24 the following new subdivision: Minimum Wages

Further amend said section 1 by striking out the sixth line and inserting in place thereof the following: salesmen, summer camps for minors, restaurants, hotels, inns and cabins

Further amend said bill by striking out the first four lines of section 2 and by renumbering the same and inserting in place thereof the following:

29. *Application.* The preceding sections of this subdivision shall not apply to employees whose employment is subject to the provisions of the United States Fair Labor Standards Act of 1938 as amended and regulations or orders issued thereunder. The minimum wage established by section 25 shall be subject to modification for any occupation as provided in

Further amend said bill by renumbering section 3 to read section 2.

On motion of Senator Bingham the Senate voted to concur in the adoption of the amendment offered by the Committee on Engrossed Bills, sent up from the House of Representatives.

Senate Bill No. 84, An act extending an appropriation for the Mt. Sunapee recreational project.

Amend section 3 of said bill by striking out the same and inserting in place thereof the following:

3. *Takes Effect.* This act shall take effect as of June 30, 1949.

On motion of Senator Ainsworth the Senate voted to concur in the adoption of the amendment offered by the Committee on Engrossed Bills, sent up from the House of Representatives.

Appointments

The President appointed as members of the committee authorized by the concurrent resolution to the study of tax exemption, Senators McMeekin and Noel.

The President appointed as members of the interim commission authorized by the concurrent resolution relating to air pollution, Senators Hartnett and Hayes.

The President nominated for appointment the following members to serve on the Commission to Study Subversive Activities, Senators Hartnett, Spollett and Caron.

Personal Privilege

Senator Bingham rose to a point of personal privilege and spoke briefly with regard to a letter received from the highway department regarding the new toll road.

President Bass recessed the Senate subject to the call of the Chair.

Recess

The Senate re-assembled.

Senator Daniell in the Chair.

Committee Report

Senator Noel, for the Committee on Engrossed Bills, to whom was referred:

House Bill No. 480, An act providing for the study, care and treatment of inebriates.

Having considered the same, reported the same, under Joint Rule No. 6, with the following amendment and recommended that the bill as amended ought to pass.

Amend paragraph II of section 12 of the new chapter 254 as inserted by section 1 of the bill by striking out the sixth, seventh and eighth lines and inserting in place thereof the following: an inebriate. Except when the commission is the initiating party, the commission shall be notified seasonably of any pending hearing provided for in this paragraph by the court.

Further amend said paragraph by striking out the word "section" in the next to the last line and inserting in place thereof the word, paragraph,

Amend paragraph IV of said section 12 by striking out the last two lines and inserting in place thereof the following: care. In the event that the patient has been committed to the commission by a court, the order for such transference shall not exceed the time specified in the court order

Amend paragraph V of said section 12 by striking out the first line and inserting in place thereof the following:

V. At the expiration of the term of custody and care of a patient who has been committed by a court to the commission, the

Amend section 2 of said bill by striking out the words

“Revised Laws” in the last line and inserting in place thereof the words and figures, Laws of 1947 as herein amended.

Amend section 3 of said bill by striking out the word and figures “July 1949” and inserting in place thereof the words, upon its passage,

On motion of Senator Bass the report was accepted, amendment adopted, and the bill as amended was sent to the House of Representatives for concurrence in Senate amendment.

Senator Daniell declared a recess subject to the call of the Chair.

Recess

The Senate re-assembled.

House Message

The following message was received from the House of Representatives, by its Clerk:

Mr. President:

The House of Representatives has voted to concur with the Honorable Senate in its adoption of the amendment offered by the Committee on Engrossed Bills to the following entitled bill:

House Bill No. 480, An act providing for the study, treatment and care of inebriates.

Bill Recalled from the Governor

On motion of Senator Tarlson the following resolution was adopted:

Resolved, That His Excellency, the Governor, be requested to return to the Senate for further consideration, House Bill No. 413, An act relating to lobsters and crabs.

Bill Returned from the Governor

Pursuant to the above request, His Excellency, the Governor, returned to the Senate, for further consideration, House Bill No. 413, An act relating to lobsters and crabs.

On motion of Senator Tarlson the rules were suspended to allow a reconsideration of the vote on House Bill No. 413, An act relating to lobsters and crabs.

On motion of the same senator the Senate voted to reconsider its vote whereby the bill passed.

On motion of the same senator the Senate voted to reconsider its vote whereby the bill was ordered to a third reading.

On motion of the same senator the following resolution was adopted:

Resolved, by the Senate, the House of Representatives concurring:

That House Bill No. 413, An act relating to lobsters and crabs, be referred to a Joint Committee consisting of three members of the House of Representatives to be appointed by the Speaker of the House and two members of the Senate to be appointed by the President of the Senate. Said committee shall submit its report on all the necessary revisions in said bill to the next regular session of the Legislature or to a special session if sooner called.

Pursuant to the above request the President appointed as members of such committee, on the part of the Senate, Senators Ainsworth and Wiggin.

Appointment

Pursuant to a resolution concurred in by the Senate, relative to the legislative budget assistant, the Chairman of the Senate Finance Committee, Senator Curtis C. Cummings, appointed Senator John W. Dole as the other member of said committee, on the part of the Senate.

President Bass declared a recess at the call of the Chair.

Recess

The Senate re-assembled.

House Message

The following message was received from the House of Representatives by its Clerk:

Mr. President:

The House of Representatives has adopted the following concurrent resolution in the adoption of which it asks the concurrence of the Honorable Senate:

Resolved, by the House of Representatives, the Senate concurring:

That a committee of ten be appointed to join with such committee as the Senate may designate to wait upon His Excellency, the Governor, and inform him that the legislature has completed the business of the session, and is ready to be adjourned, and to receive any communication which he may be pleased to make.

Further Resolved, That the hour of final adjournment be advanced to 6:25 P. M. this date.

On a *viva voce* vote the Senate voted to concur in the adoption of the concurrent resolution.

The President appointed as members of such committee on the part of the Senate, Senators Brunel, Daniell, Wiggins, Lalumiere and Hayes.

The message further stated that the House of Representatives concurred with the Honorable Senate in the concurrent resolution concurs with the Honorable Senate in the concurrent resolution to the following entitled bill:

House Bill No. 413, An act relating to lobsters and crabs.

The Speaker appointed as members of such committee on the part of the House, Messrs. Underwood of Hampton, Carter of North Hampton and Elwell of Exeter.

Indefinitely Postponed

The Senate has voted, by final adjournment resolution, to indefinitely postpone the following entitled bills:

In accordance with the concurrent resolution that all bills and joint resolutions pending in either branch on Tuesday, July 27th, at five o'clock, be indefinitely postponed, the following entitled bills were indefinitely postponed:

Senate Bill No. 6, An act to protect the owners of property damaged by inmates of the Laconia State School and Industrial School.

Senate Bill No. 10, An act relating to prohibited beverage interests.

Senate Bill No. 13, An act relating to a state bird.

Senate Bill No. 55, An act relating to motor vehicle financial responsibility.

Senate Bill No. 74, An act relative to taxicabs.

Senate Bill No. 78, An act relating to housing authorities.

Senate Bill No. 114, An act relative to fishing and hunting licenses.

Senate Joint Resolution No. 14, Joint resolution relating to the printing of a New Hampshire Digest.

House Bill No. 424, An act relative to registration of boats and outboard motors.

Bills Engrossed

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled bills:

House Bill No. 102, An act relative to extension of a special appropriation for the fish and game department.

House Bill No. 408, An act relative to making appropriations for and on behalf of the New Hampshire Wing, Civil Air Patrol.

Senate Bill No. 84, An act extending an appropriation for the Mt. Sunapee recreational project.

House Bill No. 219, An act relative to determination of value of annuities or life estates to the inheritance tax laws.

House Bill No. 441, An act relating to the care, treatment and rehabilitation of sexual psychopaths.

House Bill No. 451, An act relative to commercial landing areas and fees for engineering and other services by the aeronautics commission.

House Bill No. 399, An act relating to minimum wages for certain employees.

House Bill No. 535, An act relating to a transfer of funds to the general funds of the state, and clarifying the law relating to the emergency fund.

House Joint Resolution No. 38, Joint resolution in favor of Clarence A. Dubois and others.

House Bill No. 480, An act providing for the study, treatment and care of inebriates.

House Bill No. 532, An act making appropriations for capital improvements and long term repairs for the state of New Hampshire.

ALDEGE A. NOEL,
For the Committee.

On motion of Senator Spollett the following resolution was adopted:

Resolved, That the rules be so far suspended as to permit all business in order for this afternoon at two o'clock to be made in order at the present time.

Recess

The Senate re-assembled.

Senator Wiggin, for the Joint Committee, appointed to wait upon His Excellency, the Governor, and inform him that the legislature has completed the business of the session, and is ready to receive any communication that he might be pleased to make, reported that they have attended to their duties and have been informed by His Excellency that he has a communication to make to the legislature.

The report was accepted and His Excellency, Governor Sherman Adams, then came in and addressed the Honorable Senate.

HONORABLE SENATORS:

While the duty I am about to perform is not the most unpleasant entrusted to me, it is a time when we must take leave of each other, as we do, and should appraise the accomplishments of our association together.

You have to your credit many significant accomplishments and although the time consumed in your deliberations has been substantial, the results you have achieved are not inconsiderable.

These accomplishments lie in many fields, but most noteworthy is your willingness to devote your energy to reappraisal of the construction and degree of efficiency of this government and the measures that must be taken to make it a modern, effective, efficient organization.

The constructive action that you have taken in several lesser fields does you credit. You have had the courage and the wisdom to turn down a number of ostensibly attractive but thoroughly unsound and occasionally preposterous propositions. You leave a balanced budget. This balance has been achieved however at the expense of some considerable depreciation in the quality and quantity of needed state services. Let me say that every resource at my command will be used to pro-

vide that this government will live within the funds that you have appropriated. However, you will and should be seasonably appraised of the instances where the responsibilities of our state government in a modern world fail to fulfil the demands dictated by the public interest.

The authorization which you have provided for a thorough study of the administrative organization of your state government is a tribute to your foresightedness. This study is already well-advanced and the conclusions of your Commission and my recommendations will be laid before you at a special session in the fall.

Your support of a thorough legislative reorganization resulting in the reduction of committees, realigning of duties and the adoption of a mileage schedule on a constitutional basis was one of your early achievements. The reorganization of the Highway Department, not yet complete but in process, and the adoption of procedures relating to public purchasing were constructive proposals which you wisely adopted.

In the field of natural resources, you have adopted a severance tax law which embodies principles promoting conservation that you will sometime discover to have been a milestone in the progress of conservation in your State. The support you have accorded to the continuation and development of the controls of pollution in our streams and lakes is the result of your forward thinking.

You have appreciated the importance of the work of the Governor's Highway Safety Conference in your approval of all the measures it recommended. You have adopted a sensible preferential primary law. You have legalized the sale of colored oleomargarine. Your ratification of the northeast forest fire compact and the passage of the civil defense act to be used in cases of emergency are further evidences of a well-developed sense of public responsibility.

In the field of agriculture, you have continued the Bangs disease control program with some wise modifications. Your licensing of child placing and child caring agencies results in needed protection for children needing foster home care.

In the field of labor, the repeal of the act regulating union security contracts and the increases you provided in unemployment compensation and workmen's compensation benefits were steps forward.

Your refusal to legalize dog racing and to permit a state lottery was an exercise of good judgment which is especially significant at a time when new revenue was so urgently needed. Your rejection of unsound attempts to modify the present liquor law system reflects the appreciation which you have of the efficiency and public advantages of the present system of control. Finally, you have, in the light of acute need for economy refused to approve major new governmental services together with the added expenditures which they of necessity involve.

It will become apparent to the members of the General Court and to the citizens of the State as a whole during the next few months that the funds which you have provided are in some measure insufficient to support adequately those services which the people of New Hampshire have come to feel to be responsibilities which modern government ought to accept.

On returning to your homes, I hope you will continue to consider the financial condition of your State, as it bears particularly upon your own community and upon your own constituents. I hope you will remember that our dependency for revenue continues to bear heavily upon taxes on human habits; racing, liquor, beer, and tobacco, sources which I have pointed out will prove unstable in a fluctuating economy.

Far from curing this situation, we have been required to base our calculations to a greater extent on some of the foregoing sources.

Let these matters be considered unfinished business; let them not diminish the pride which is rightfully yours for the accomplishments you have made and they are not inconsiderable. I know that you will want to consider the future of the process of education in New Hampshire, an adequate retirement system for teachers, the reclassification which needs to be made in the field of state employment and adequate support for our state institutions and our state university.

I have been informed by the Joint Committee of the Senate and House of Representatives that you have now completed the business of the session. Therefore, by the authority vested in me as Governor, I do hereby declare the General Court of New Hampshire adjourned to the last Wednesday in December in the Year of our Lord One Thousand Nine Hundred Fifty.

President Perkins Bass requested Rev. Mr. Reed of St. Matthews Episcopal Church of Goffstown to pronounce the benediction of the deliberations of the Honorable Senate:

May the Lord bless you and keep you; may the Lord make his face to shine upon you and be gracious unto you. May the Lord give you peace, both now and forever more. Amen.

On motion of Senator Butman the Senate adjourned.

Whereupon President Bass declared the Senate adjourned until the last Wednesday in December, 1950.

BENJAMIN F. GREER,
Clerk.

A true copy attest:

BENJAMIN F. GREER,
Clerk.

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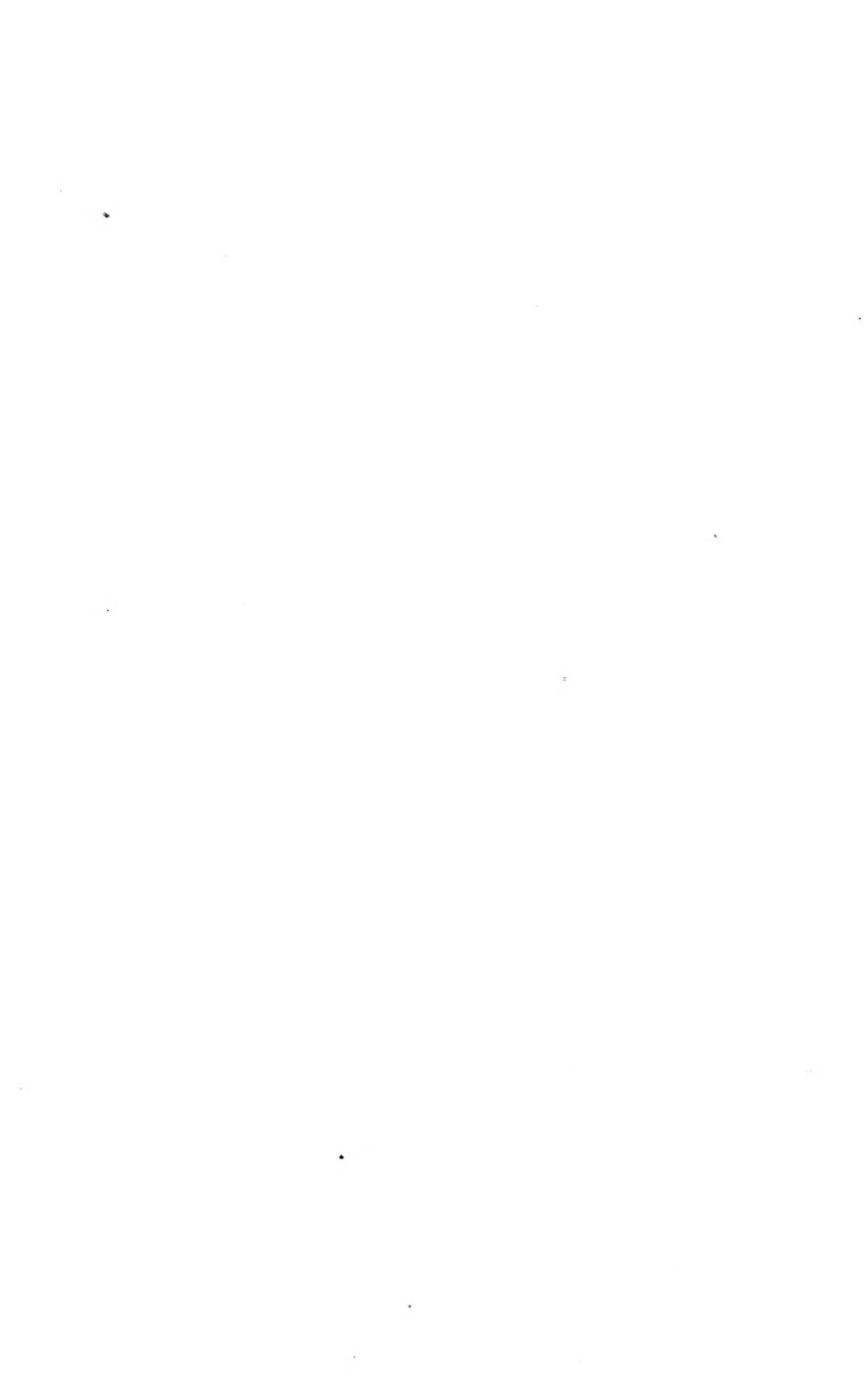
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